

## Laws affecting livestock operations

Regulated activity	Local	State	Resources
<p><b>1. Construction of new or altered livestock structures</b></p> <ul style="list-style-type: none"> <li>• Manure storage</li> <li>• Animal lots (a.k.a barnyards or feedlots)</li> <li>• Feed storage</li> </ul>	<ul style="list-style-type: none"> <li>• County manure storage ordinances required construction permits:                             <ul style="list-style-type: none"> <li>○ Always for new and altered manure storage structures (including transfer systems)</li> <li>○ Rarely for new or altered animal lots</li> </ul> </li> <li>• Livestock facility siting ordinances require permitted facilities to meet standards for new and altered manure storage, animal lots, and feed storage.</li> <li>• Local ordinances may include more stringent standards to protect water quality, and public health and safety.                             <ul style="list-style-type: none"> <li>○ State approval may be required</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• For livestock operations not subject to DNR CAFOs permits [under 1,000 animal units (714 milking cows)], WI Department of Natural Resources (DNR) may enforce farm runoff standards (without providing cost-sharing) requiring that new or altered storage facilities be installed to technical standards                             <ul style="list-style-type: none"> <li>○ DNR may issue notices of non-compliance or take other actions authorized by law</li> </ul> </li> <li>• DNR requires plan and specification approval of new or altered structures including storage and digesters for livestock operations permitted as CAFOs                             <ul style="list-style-type: none"> <li>○ Permitted CAFO operations are monitored for compliance with standards for manure storage, feedlots, and feed storage</li> </ul> </li> <li>• WI Department of Agriculture, Trade, and Consumer Protection (DATCP) requires counties to ensure that that farmers who claim Farmland Preservation Program (FPP) tax credits meet farm runoff standards                             <ul style="list-style-type: none"> <li>○ Counties inspect farms every four years, and issue certificates of compliance or compliance schedules as needed</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Access county manure storage ordinances (not all 60 available)                             <ul style="list-style-type: none"> <li>○ <a href="https://datcp.wi.gov/Pages/Programs_Services/ManureStorageOrdinances.aspx">https://datcp.wi.gov/Pages/Programs_Services/ManureStorageOrdinances.aspx</a></li> </ul> </li> <li>• Search this map                             <ul style="list-style-type: none"> <li>○ <a href="https://datcpgis.wi.gov/maps/?viewer=ls">https://datcpgis.wi.gov/maps/?viewer=ls</a> to find one of the nearly 120 local governments with siting ordinances.</li> </ul> </li> <li>• Search this database                             <ul style="list-style-type: none"> <li>○ <a href="http://dnr.wi.gov/topic/AgBusiness/CAFO/StatsMap.html">http://dnr.wi.gov/topic/AgBusiness/CAFO/StatsMap.html</a> to find operations with CAFO permits (over 250 permit issued)</li> </ul> </li> <li>• Review applicable state rules and statutes                             <ul style="list-style-type: none"> <li>○ Performance standards and prohibitions (farm runoff standards) under NR 151, Subchapter II,                                     <ul style="list-style-type: none"> <li>○ <a href="https://docs.legis.wisconsin.gov/code/admin_code/nr/100/151.pdf">https://docs.legis.wisconsin.gov/code/admin_code/nr/100/151.pdf</a></li> </ul> </li> <li>○ CAFO rules in NR 243 including Subchapter II,                                     <ul style="list-style-type: none"> <li>○ <a href="https://docs.legis.wisconsin.gov/code/admin_code/nr/200/243.pdf">https://docs.legis.wisconsin.gov/code/admin_code/nr/200/243.pdf</a></li> </ul> </li> <li>○ Manure storage ordinances requirements in s. ATCP 50.56,                                     <ul style="list-style-type: none"> <li>○ <a href="https://docs.legis.wisconsin.gov/code/admin_code/atcp/020/50.pdf">https://docs.legis.wisconsin.gov/code/admin_code/atcp/020/50.pdf</a></li> </ul> </li> <li>○ Livestock facility siting requirements in ATCP 51,                                     <ul style="list-style-type: none"> <li>○ <a href="https://docs.legis.wisconsin.gov/code/admin_code/atcp/020/51.pdf">https://docs.legis.wisconsin.gov/code/admin_code/atcp/020/51.pdf</a></li> </ul> </li> <li>○ FPP requirements in s. 91,                                     <ul style="list-style-type: none"> <li>○ <a href="https://docs.legis.wisconsin.gov/statutes/statutes/91.pdf">https://docs.legis.wisconsin.gov/statutes/statutes/91.pdf</a></li> </ul> </li> </ul> </li> </ul>
<p><b>2. Construction in or near lakes, rivers, wetlands, and floodplains</b></p>	<ul style="list-style-type: none"> <li>• Locally enforced shoreland-wetland zoning, floodplain and other ordinances:                             <ul style="list-style-type: none"> <li>○ Impose restrictions on activities near streams or lakes, near or in wetlands, or in floodplains</li> <li>○ Require permits for construction or other land-disturbing activities</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• DNR may require Waterway and Wetlands Permits for construction near wetlands, streams and lakes. Activities triggering a permit include dredging, grading, and wetlands disturbance                             <ul style="list-style-type: none"> <li>○ Note: An Army Corps of Engineers wetlands permit may also be needed.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Review resources for county shoreland, wetland and floodplain ordinances (includes links to NR 115 and 116),                             <ul style="list-style-type: none"> <li>○ <a href="http://www.wccadm.com/resources">http://www.wccadm.com/resources</a></li> </ul> </li> <li>• Contact county zoning using this list,                             <ul style="list-style-type: none"> <li>○ <a href="http://www.wccadm.com/wcca-contacts">http://www.wccadm.com/wcca-contacts</a></li> </ul> </li> <li>• Learn about DNR permitting programs,                             <ul style="list-style-type: none"> <li>○ <a href="http://dnr.wi.gov/topic/waterways/">http://dnr.wi.gov/topic/waterways/</a></li> </ul> </li> </ul>

## Laws affecting livestock operations

Regulated activity	Local	State	Resources
<p><b>3. Construction erosion control and post-construction management of stormwater</b></p>	<ul style="list-style-type: none"> <li>• Many counties and other local governments require permits for:                             <ul style="list-style-type: none"> <li>○ Construction projects that disturb land (may apply to less than one acre particularly in near sensitive areas)</li> <li>○ Post-construction management of stormwater from areas with impervious surfaces (animal housing, barnyard runoff control systems, manure storage facilities, sand settling lanes)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• DNR requires permits for:                             <ul style="list-style-type: none"> <li>○ Construction site erosion control involving land disturbing activities (clearing, grading, excavating, filling) over one acre</li> <li>○ Post-construction management of stormwater using detention ponds and other approved practices</li> </ul> </li> <li>• DNR may pursue enforcement actions on landowners without proper permit coverage or not in compliance with the permit</li> <li>• Livestock operations over 1000 animal units (CAFO) may be required by their DNR WPDES permit properly manage runoff and stormwater</li> </ul>	<ul style="list-style-type: none"> <li>• Learn about DNR program requirements, <a href="http://dnr.wi.gov/topic/stormwater">http://dnr.wi.gov/topic/stormwater</a></li> <li>• Review applicable state rules                             <ul style="list-style-type: none"> <li>○ Performance standards (construction site standards) under NR 151, Subchapter III, <a href="https://docs.legis.wisconsin.gov/code/ad_min_code/nr/100/151.pdf">https://docs.legis.wisconsin.gov/code/ad_min_code/nr/100/151.pdf</a></li> <li>○ DNR Permitting under NR 216, Subchapter III, <a href="https://docs.legis.wisconsin.gov/code/ad_min_code/nr/200/216.pdf">https://docs.legis.wisconsin.gov/code/ad_min_code/nr/200/216.pdf</a></li> </ul> </li> <li>• Review DNR's guidance on model ordinances for local governments, <a href="http://dnr.wi.gov/topic/stormwater/documents/ModelOrdinances.pdf">http://dnr.wi.gov/topic/stormwater/documents/ModelOrdinances.pdf</a></li> </ul>
<p><b>4. Repair or closure of unsafe or unused manure storage structures</b></p>	<ul style="list-style-type: none"> <li>• Subject to cost-sharing requirements, a number of county manure storage ordinances may require:                             <ul style="list-style-type: none"> <li>○ Repair or closure of leaking or failing manure storage structures</li> <li>○ Closure of manure storage structures unused for 24 months</li> </ul> </li> <li>• Livestock siting ordinances require permitted facilities to maintain the structural integrity of manure storage and have no significant leakage                             <ul style="list-style-type: none"> <li>○ Livestock siting ordinances must adopt more stringent standards to mandate closure of storage facilities</li> </ul> </li> <li>• County and other ordinances may provide for nuisance abatement orders, and if the nuisance is not corrected, authorize a local government to take action and place lien on the property to recover abatement costs (But see no. 9)</li> </ul>	<ul style="list-style-type: none"> <li>• For livestock operations not permitted as CAFOs, DNR may:                             <ul style="list-style-type: none"> <li>○ Enforce farm runoff standards (subject to cost-sharing for existing facilities) requiring repair or closure of leaking or failing manure storage structures and closure of manure storage structures unused for 24 months be closed.</li> <li>○ May issue a notice of discharge (NOD) to correct discharges with or without an offer of cost-sharing</li> </ul> </li> <li>• DNR may require CAFO permit holders to monitor systems; install secondary containment; or replace, upgrade or close systems or structures to prevent water quality problems</li> <li>• DATCP requires counties to monitor and verify conservation compliance for FPP claimants. (see no.1)</li> </ul>	<ul style="list-style-type: none"> <li>• See Resources listed in no. 1 (including applicable rules and statutes) and this additional reference: NR 243, Subchapter III (NODs), <a href="https://docs.legis.wisconsin.gov/code/admin_code/nr/200/243.pdf">https://docs.legis.wisconsin.gov/code/admin_code/nr/200/243.pdf</a></li> <li>• Review farm runoff rule overview: <i>What farmers need to know</i> <a href="http://dnr.wi.gov/topic/nonpoint/documents/farmersneed.pdf">http://dnr.wi.gov/topic/nonpoint/documents/farmersneed.pdf</a></li> <li>• Review nuisance law (including right to farm protections) in s. 823, Stats., <a href="https://docs.legis.wisconsin.gov/statutes/statutes/823.pdf">https://docs.legis.wisconsin.gov/statutes/statutes/823.pdf</a></li> </ul>

## Laws affecting livestock operations

Regulated activity	Local	State	Resources
<p><b>5. Control of discharges from livestock structures such as manure storage, animal lots, and feed storage</b></p>	<ul style="list-style-type: none"> <li>• Subject to cost-sharing requirements, a number of county manure storage ordinances may require farmers to correct violations of these prohibitions:                             <ul style="list-style-type: none"> <li>○ No overflow from manure storage</li> <li>○ No direct runoff from a feedlot or stored manure into waters of the state</li> <li>○ No significant discharges of feed storage runoff and other process wastewater</li> </ul> </li> <li>• Livestock facility siting ordinances require permitted operations to:                             <ul style="list-style-type: none"> <li>○ Maintain the structural integrity of manure storage, have no significant leakage, and prevent overflows</li> <li>○ Prevent direct runoff from an animal lot to groundwater</li> </ul> </li> <li>• County and other ordinances may require abatement of nuisances (See no. 4)</li> </ul>	<ul style="list-style-type: none"> <li>• For livestock operations not permitted as CAFOs, DNR may:                             <ul style="list-style-type: none"> <li>○ Enforce farm runoff standards (subject to cost-sharing for existing facilities) requiring operators to correct manure discharges from livestock structures and require clean water diversion near lakes and streams.</li> <li>○ Issue an NOD for discharges (see no.4)</li> </ul> </li> <li>• CAFO permit holders are prohibited from discharging manure or process wastewater into waters of the state (including calf hutches) except under limited circumstances (e.g. large rain events)</li> <li>• DATCP requires counties to monitor and verify conservation compliance for FPP claimants (see no.1)</li> </ul>	<p>See Resources listed in nos. 1 and 4</p>
<p><b>6. Manure stacking</b></p>	<ul style="list-style-type: none"> <li>• County manure storage ordinances may require:                             <ul style="list-style-type: none"> <li>○ Require a permit for stacking manure (rare)</li> <li>○ Prohibit manure stacking in a water quality management areas (WQMAs) (more common)</li> </ul> </li> <li>• Livestock siting ordinances prohibit unconfined manure piles permitted farms in areas near lakes and waterways</li> </ul>	<ul style="list-style-type: none"> <li>• For livestock operations not permitted as CAFOs, DNR may enforce farm runoff standards (subject to cost-sharing for existing facilities) that prohibit unconfined manure pile in a WQMA and discharges from stored manure</li> <li>• DNR approves manure stacking for CAFOS with conditions designed to protect surface and groundwater</li> <li>• DATCP requires counties to monitor and verify conservation compliance for FPP claimants (see no.1)</li> </ul>	<p>See Resources listed in nos. 1 and 4</p>

## Laws affecting livestock operations

Regulated activity	Local	State	Resources
<p><b>7. Livestock overgrazing of streambanks</b></p>	<ul style="list-style-type: none"> <li>• Subject to cost-sharing to correct violations, a number of county manure storage ordinances prohibit overgrazing</li> <li>• Livestock siting ordinances prohibit overgrazing on permitted operations.</li> </ul>	<ul style="list-style-type: none"> <li>• For livestock operations not permitted as CAFOs, DNR may enforce farm runoff standards (subject to cost-sharing for existing facilities) that prohibit overgrazing.</li> <li>• DNR requires that CAFOs meet NR 151 prohibitions such as overgrazing</li> <li>• DATCP requires counties to monitor and verify conservation compliance for FPP claimants (see no.1)</li> </ul>	<p>See Resources listed in nos. 1 and 4</p>
<p><b>8. Cropland applications of manure and nutrients</b> (including soil erosion control, and management of phosphorus runoff)</p>	<ul style="list-style-type: none"> <li>• County manure storage ordinances may require:                             <ul style="list-style-type: none"> <li>○ Submission of a nutrient management plan (NMP) with a permit application</li> <li>○ Some ordinances require annual NMP submissions</li> </ul> </li> <li>• Livestock siting ordinances require permitted facilities to develop and update nutrient management plans                             <ul style="list-style-type: none"> <li>○ Livestock siting ordinances must adopt more stringent standards to address phosphorus runoff.</li> </ul> </li> <li>• Local ordinances may include more stringent standards to protect water quality, and public health and safety.                             <ul style="list-style-type: none"> <li>○ State approval is required</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• For livestock operations not permitted as CAFOs, DNR may enforce farm runoff standards (subject to cost-sharing for existing facilities) requiring that farmers have and follow a NMP, control soil erosion and manage phosphorus runoff                             <ul style="list-style-type: none"> <li>○ Applied manure may not pond or runoff</li> <li>○ Manure spreading subject winter and other restrictions designed to protect ground and surface water</li> </ul> </li> <li>• CAFO operators must meet more extensive manure management requirements:                             <ul style="list-style-type: none"> <li>○ Required to have storage for 180 days avoid winter spreading</li> <li>○ Additional restrictions on manure applications such as fields with shallow groundwater or bedrock</li> <li>○ Annual reporting</li> </ul> </li> <li>• DATCP requires counties to monitor and verify conservation compliance for FPP claimants (see no.1)</li> </ul>	<p>See Resources listed in nos. 1 and 4</p>

## Laws affecting livestock operations

Regulated activity	Local	State	Resources
<p><b>9. Irrigation of manure on fields</b></p>	<ul style="list-style-type: none"> <li>• Selective local governments have adopted ordinances that:                             <ul style="list-style-type: none"> <li>○ Define as manure irrigation as a public nuisance and ban center pivot and related irrigation</li> <li>○ Require a conditional use permit</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• In addition to requirements in no. 8, CAFO operators must meet:                             <ul style="list-style-type: none"> <li>○ Distribution requirements and application rate limits</li> <li>○ Setback requirements including 500 feet from inhabited dwellings</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• See pages (19-28) <i>Considerations for the Use of Manure Irrigation Practices</i>  <a href="https://fyi.uwex.edu/manureirrigation/files/2016/04/Manure-Irrigation-Workgroup-Report-2016.pdf">https://fyi.uwex.edu/manureirrigation/files/2016/04/Manure-Irrigation-Workgroup-Report-2016.pdf</a></li> <li>• Review applicable rules                             <ul style="list-style-type: none"> <li>○ NR 243.15(6) (see no. 1 for link)</li> <li>○ NR 214.14 (irrigation and treatment), NR 214.20 and 214.21 (soil investigation and monitoring) and NR 243.14 (land application),  <a href="https://docs.legis.wisconsin.gov/code/admin_code/nr/200/214.pdf">https://docs.legis.wisconsin.gov/code/admin_code/nr/200/214.pdf</a></li> </ul> </li> </ul>
<p><b>10. Air emissions, odor, dust and noise</b></p> <p><i>Note:</i> Right to Farm Law precludes private nuisance claims unless the farm activity poses a substantial threat to public health and safety, and limits remedies to corrective actions</p>	<ul style="list-style-type: none"> <li>• Many local governments have zoning codes that:                             <ul style="list-style-type: none"> <li>○ Segregate land uses by districts (residential, commercial, industrial, and agricultural) to avoid conflicts and nuisances</li> <li>○ Enforce setbacks for livestock structures from roads, property lines and other features</li> </ul> </li> <li>• Livestock siting ordinances require most permitted facilities to meet odor standard for their production area                             <ul style="list-style-type: none"> <li>○ Odor standards do not currently apply to manure spreading</li> <li>○ A few permitted operations have odor management plans to control dust and odor</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• DNR does not regulate the emission of hazardous air contaminants associated with agricultural waste except to the extent required by federal law (s. 285.28, stats.)</li> <li>• DNR has power regulate malodorous emissions but it has not been applied to farms (DNR code NR 429.03)</li> </ul>	<ul style="list-style-type: none"> <li>• View this map of zoned communities,  <a href="ftp://ftp.wi.gov/DOA/public/comprehensiveplans/2011-Report/11-CVT-Zoning-12272010.pdf">ftp://ftp.wi.gov/DOA/public/comprehensiveplans/2011-Report/11-CVT-Zoning-12272010.pdf</a></li> <li>• Right to Farm Law, s. 823.08, Stats.  <a href="https://docs.legis.wisconsin.gov/statutes/statutes/823/08">https://docs.legis.wisconsin.gov/statutes/statutes/823/08</a> <ul style="list-style-type: none"> <li>○ Cranberry farming practices were not a nuisance in <i>State of Wisconsin v. Zawistowski</i>  <a href="https://www.wicourts.gov/ca/opinion/DisplayDocument.html?content=html&amp;seqNo=31742">https://www.wicourts.gov/ca/opinion/DisplayDocument.html?content=html&amp;seqNo=31742</a></li> <li>○ Nuisance action settled in <i>Nelson v. Matsche Farms Inc.</i>, No. 02-CV-120  <a href="https://wcca.wicourts.gov/pdfs/CD1653E9A72A749F45E785B3F2215068.render6/courtRecordEvents7542773004915747381.pdf">https://wcca.wicourts.gov/pdfs/CD1653E9A72A749F45E785B3F2215068.render6/courtRecordEvents7542773004915747381.pdf</a></li> <li>○ Manure in a well is pollutant in <i>Wilson Mut. Ins. v. Falk</i>  <a href="https://www.wicourts.gov/sc/opinion/DisplayDocument.pdf?content=pdf&amp;seqNo=132427">https://www.wicourts.gov/sc/opinion/DisplayDocument.pdf?content=pdf&amp;seqNo=132427</a></li> </ul> </li> </ul>

## Laws affecting livestock operations

Regulated activity	Local	State	Resources
<b>11. Well and groundwater protection</b>	<ul style="list-style-type: none"> <li>• Zoning and other local ordinances may require that wells be setback from livestock structures</li> </ul>	<ul style="list-style-type: none"> <li>• DNR sets standards for private well construction including setbacks from livestock structures</li> <li>• DNR approves high capacity wells (capable of pumping 70 gallons per minute)</li> <li>• DNR operates compensation program for wells contaminated by manure</li> <li>• DATCP has licensing requirements for dairy farm water supplies</li> </ul>	<ul style="list-style-type: none"> <li>• Learn about DNR program requirements, <a href="http://dnr.wi.gov/topic/wells">http://dnr.wi.gov/topic/wells</a></li> <li>• Review applicable state rules                             <ul style="list-style-type: none"> <li>○ Well requirements in NR 812, <a href="https://docs.legis.wisconsin.gov/code/ad_min_code/nr/800/812">https://docs.legis.wisconsin.gov/code/ad_min_code/nr/800/812</a></li> <li>○ Dairy farms requirements in ATCP 65, <a href="https://docs.legis.wisconsin.gov/code/ad_min_code/atcp/055/65.pdf">https://docs.legis.wisconsin.gov/code/ad_min_code/atcp/055/65.pdf</a></li> </ul> </li> </ul>
<b>12. Spills and releases</b>  (Also see no. 5 for discharges)	<ul style="list-style-type: none"> <li>• Livestock siting ordinances require permitted facilities to develop and follow an environmental incident response plan</li> </ul>	<ul style="list-style-type: none"> <li>• DNR requires operators must report incidents (e.g. manure spill) and take corrective actions</li> <li>• CAFO permit holders must develop response plans for manure and other spills</li> <li>• DNR issue an NOD or require a CAFO permit based on the incident</li> <li>• DATCP has spill provisions related to pesticides, and bulk storage of fertilizers and pesticides</li> </ul>	<ul style="list-style-type: none"> <li>• Access applicable state statutes and rules including NR 243, Sub. III,                             <ul style="list-style-type: none"> <li>○ Spill law, <a href="https://docs.legis.wisconsin.gov/statutes/statutes/292.pdf">https://docs.legis.wisconsin.gov/statutes/statutes/292.pdf</a></li> <li>○ Pesticides (ATCP 29), <a href="https://docs.legis.wisconsin.gov/code/ad_min_code/atcp/020/29">https://docs.legis.wisconsin.gov/code/ad_min_code/atcp/020/29</a></li> <li>○ Fertilizer and pesticide and fertilizers, (ATCP 33) <a href="https://docs.legis.wisconsin.gov/code/ad_min_code/atcp/020/33">https://docs.legis.wisconsin.gov/code/ad_min_code/atcp/020/33</a></li> </ul> </li> </ul>
<b>13. Road access, and vehicle weight and size limits</b>	<ul style="list-style-type: none"> <li>• Counties and other municipalities can protect their local roads and public safety by:                             <ul style="list-style-type: none"> <li>○ Restricting highway access points</li> <li>○ Enforcing road weight and size limits for agricultural equipment and vehicles (including implements of husbandry) consistent with state requirements</li> <li>○ Posting roads imposing special or seasonal weight limitations.</li> <li>○ Issuing permits for farmers to exceed local limits</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural equipment and vehicles travelling on state highways are subject to weight, size limitations and other limits</li> <li>• Department of Transportation (DOT) may issue permits to exceed state limits</li> </ul>	<ul style="list-style-type: none"> <li>• Review applicable state statutes                             <ul style="list-style-type: none"> <li>○ Vehicle Equipment, Sec. 347 <a href="https://docs.legis.wisconsin.gov/statutes/statutes/340.pdf">https://docs.legis.wisconsin.gov/statutes/statutes/340.pdf</a></li> <li>○ Vehicles - Size, Weight and Load, sec. 348, <a href="https://docs.legis.wisconsin.gov/statutes/statutes/348.pdf">https://docs.legis.wisconsin.gov/statutes/statutes/348.pdf</a></li> <li>○ State and Local Road Authority, s. 348 <a href="https://docs.legis.wisconsin.gov/statutes/statutes/348.pdf">https://docs.legis.wisconsin.gov/statutes/statutes/348.pdf</a></li> </ul> </li> <li>• Learn more about agricultural equipment and vehicles from DOT website, <a href="http://wisconsin.gov/Pages/dmv/agri-eq-veh/default.aspx">http://wisconsin.gov/Pages/dmv/agri-eq-veh/default.aspx</a></li> </ul>