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Details:

(FORM UPDATED: 07/12/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Agriculture (AC-Ag)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt**
 - Clearinghouse Rules ... **CRule**
 - Hearing Records ... bills and resolutions
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution)
 - Miscellaneous ... **Misc**
- (**ajr** = Assembly Joint Resolution)
(**sjr** = Senate Joint Resolution)



State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

PUBLIC NOTICE

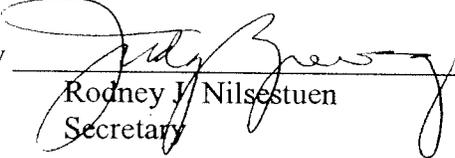
FINAL DRAFT RULE TO LEGISLATURE

The Department of Agriculture, Trade and Consumer Protection announces that it is submitting the following rule for legislative committee review, pursuant to s. 227.19, Stats.:

CLEARINGHOUSE RULE #: **05-014**
SUBJECT: **Livestock Facility Siting**
ADM. CODE REFERENCE: **ATCP 51**
DATCP DOCKET #: **04-R-06**

Dated this 1st day of November, 2005.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND
CONSUMER PROTECTION

By 
Rodney J. Nilsestuen
Secretary

Agriculture generates \$51.5 billion for Wisconsin



State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

DATE: November 1, 2005

TO: The Honorable Alan J. Lasee
President, Wisconsin State Senate
Room 219 South, State Capitol
P.O. Box 7882
Madison, WI 53707-7882

The Honorable John Gard
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
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FROM: 
Rodney J. Nilsestuen, Secretary
Department of Agriculture, Trade and Consumer Protection

SUBJECT: **Livestock Facility Siting Rule (*Clearinghouse Rule #05-014*)**

The Department of Agriculture, Trade and Consumer Protection (DATCP) hereby transmits the above rule for legislative committee review, as provided in s. 227.19(2) and (3), Stats. DATCP will publish a notice of this referral in the Wisconsin Administrative Register, as provided in s. 227.19(2), Stats.

Background

This rule implements Wisconsin's Livestock Facility Siting Law (s. 93.90, Stats., created by 2003 Wis. Act 235). The Livestock Facility Siting Law was to take effect on October 1, 2005. However, the treatment of livestock facility siting applications remains uncertain, pending adoption of this rule.

This rule establishes uniform standards and procedures for local approval of new or expanded livestock facilities, *if approval is required under local law* (this rule does not require local approval). Generally speaking, a local government *must approve* a new or expanded livestock facility if the livestock operator submits an application that complies with this rule. The Livestock Facility Siting Law restricts local authority to add other requirements.

Prior to the Livestock Facility Siting Law, livestock operators faced a confusing patchwork of local requirements. In some cases, local governments arbitrarily denied approval for no clear reason. Some operators spent hundreds of thousands of dollars, only to be denied approval. Local livestock siting disputes were often highly emotional, and tore the fabric of local communities.

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This rule provides greater certainty and consistency for livestock operators, which will facilitate planning and investment. The rule will help grow Wisconsin's critical livestock industry, while protecting legitimate community and environmental interests.

This rule applies *only* to new or expanded livestock facilities that require local approval and *only* if those facilities will have 500 or more "animal units" (or will exceed a lower threshold incorporated in a local zoning ordinance prior to July 19, 2003). The Livestock Facility Siting Law restricts local governments from requiring siting permits for smaller facilities. DATCP estimates that this rule will affect approximately 50-70 livestock facility sitings or expansions per year.

DATCP developed a preliminary draft rule in consultation with a panel of technical experts (as required by the law). The technical panel met 6 times, from May 11, 2004 to October 20, 2004, to develop the preliminary draft rule.

DATCP then submitted the preliminary draft rule for review by a Livestock Facility Siting Advisory Committee, which included farmers, local government representatives, environmental representatives, DATCP Board members and others. The Advisory Committee met 3 times to review and make recommendations on the rule.

On January 12, 2005, the DATCP Board authorized public hearings on the draft rule. DATCP held 12 hearings at 6 locations throughout the state. Approximately 800 persons attended the hearings, and DATCP received approximately 538 comments for the hearing record (see hearing summary attached).

DATCP made extensive changes to the final draft rule based on hearing comments (see summary of changes attached). Most of the changes addressed concerns of livestock operators. DATCP also consulted with legislators and stakeholder groups, including farm, local government and environmental representatives. The DATCP Board unanimously approved this final draft rule on September 14, 2005.

Rule Contents

This rule establishes standards for local approval of new or expanded livestock facilities, *if approval is required under local law* (this rule does not mandate local approval). These include standards related to *property line setbacks, odor management, waste and nutrient management, waste storage and runoff management*. Some livestock facilities are exempt from some standards (for example, an expanding facility under 1,000 animal units is exempt from the odor management standard). Most of the standards, other than odor standards, merely apply existing law. Setback requirements are mainly based on well-established local setbacks. See Rule Summary attached.

This rule gives favorable consideration to “existing” livestock structures. For example, “existing” structures are exempt from setback requirements (they may continue in use, and may even expand, as long as they do not expand closer to the property line). “Existing” waste storage structures are likewise exempt from new construction standards (as long as they show no apparent sign of leakage or structural failure). Odor management standards, on the other hand, consider odor from new *and existing* livestock structures.

A livestock operator seeking local approval must complete the *application form* and *worksheets* attached to this rule. The application form elicits information to show compliance with rule standards (the operator does not actually have to read the rule). A properly completed application creates a *presumption of approval*. The application form will help operators plan their applications, before actually submitting them, to ensure approval.

A local government *must approve* the livestock facility unless it finds, based on other clear and convincing evidence in the local record, that the facility fails to meet siting standards in this rule. By spelling out clear application requirements and approval standards, this rule adds certainty to the application and approval process.

An application must include a site map, and worksheets related to *animal units, odor management, waste and nutrient management, waste storage facilities* and *runoff management*. Some applicants are exempt from some worksheets. For example, expanding livestock facilities under 1,000 animal units are exempt from the odor management worksheet. An operator who holds a WPDES permit from DNR is exempt from worksheets related to waste and nutrient management, waste storage facilities and runoff management.

The odor management standards in this rule consider odor generation, odor management, the distance to affected neighbors, and the density of neighboring development. The rule gives credit for odor management practices that are known to be effective, and assigns appropriate weight to those practices. The rule also allows operators to propose innovative practices not yet recognized in the rule. The rule allows some odor that may be occasionally annoying to neighbors. But it provides reasonable assurance that local governments will not be forced to approve facilities that pose a truly serious odor nuisance to the community. Harmonious local relations will help grow the livestock industry.

DATCP tested final draft odor management standards on a large sample of Wisconsin livestock facilities, including existing *and proposed* facilities identified by farm groups (see odor trials report attached). Over 90% of the facilities passed, without using any additional odor management practices. Others could pass by implementing odor management practices (the operator chooses which practices to implement).

This rule requires timely local action on siting applications, and limits local application fees. The livestock operator or another “aggrieved person” may appeal a local decision to the Wisconsin Livestock Facility Siting Review Board (see below).

Business Impact

This rule will facilitate the orderly growth and modernization of Wisconsin's critical livestock industry by providing a clearer, more uniform, more objective and more predictable local approval process.

This rule will avoid expensive local siting disputes and litigation. It will prevent the loss of business opportunities that might occur when local governments reject siting applications based on arbitrary or capricious criteria. It will avoid costs related to local imposition of unfair or excessive siting terms and conditions.

New and expanding operations will need to comply with regulations spelled out in this rule. But they will no longer be subject to arbitrary local requirements or disapproval. This rule should result in a net cost savings for the Wisconsin livestock industry. By providing more certainty, it will facilitate business planning and development. It will thus promote the orderly and responsible growth of the Wisconsin livestock industry, one of the most important industries in the state. A complete business impact analysis is attached.

Environmental Impact

This rule will protect the environment by establishing clear environmental protection standards for new and expanded livestock facilities that require local approval. This rule will protect neighboring land uses by establishing reasonable odor management standards and property line setbacks. It will protect surface water and groundwater quality by incorporating existing water quality setbacks, and by establishing reasonable standards related to waste management, waste storage, nutrient management and runoff control. Most of these standards implement current law. A complete environmental assessment is attached.

Future Research Activities

DATCP is committed to pursuing an aggressive research program on odor management and air emissions. The USDA-Natural Resources Conservation Service recently awarded DATCP a Conservation Innovation Grant for over \$600,000 to help with this research. DATCP will work with the University of Wisconsin, the Wisconsin Agricultural Stewardship Initiative and the Department of Natural Resources to design, coordinate, and conduct this research.

The research agenda will include, among other things, research on management practices that may help to control odor from livestock facilities. DATCP will use the research results to update the livestock siting standards over time.

Information and Education

DATCP plans an extensive training and information program to help livestock producers, local governments and others implement this rule. The University of Wisconsin-Extension will play a lead role. A preliminary training plan is included in this packet.

Livestock Facility Siting Review Board

Under the Livestock Facility Siting Law, livestock operators and other “aggrieved persons” may appeal local siting decisions to the Wisconsin Livestock Facility Siting Review Board (“Siting Review Board”). The Siting Review Board will be attached to DATCP for administrative purposes, but will exercise independent authority. The Siting Review Board will consist of 7 members appointed by the DATCP Secretary for 5-year terms. Members must include one representative of towns, one representative of counties, one representative of environmental interests, one representative of agricultural interests, and 3 other members. This packet includes a timeline for appointing and organizing the Siting Review Board.

Rule Review

The Livestock Facility Siting Law requires DATCP to review this rule at least once every 4 years. DATCP will review this rule annually during the first 4 years of implementation. Under this rule, local governments must file copies of local ordinances, local siting applications and local siting decisions with DATCP. DATCP will track this information, and will review it at least monthly during the first year of implementation. DATCP will conduct its reviews in consultation with the DATCP Board and others.

Fiscal Estimate

The Livestock Facility Siting Law and this rule will have a significant fiscal impact on DATCP and local units of government. DATCP estimates that the law and this rule will increase state costs by \$155,000 annually. This includes:

- DATCP costs to establish and administer the Livestock Facility Siting Review Board (which is attached to DATCP for administrative purposes). DATCP received \$26,200 in FY2006 and \$30,000 in FY2007 to administer the Board.
- DATCP costs to administer this rule. This includes information and technical assistance to livestock operators and political subdivisions. DATCP received no additional staff or appropriations to administer the law or this rule and has reassigned 1.4 FTE from other duties.

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DATCP estimates that the rule may increase aggregate local government costs from \$30,000 to \$105,000 annually (*statewide total costs for all political subdivisions*). This assumes 50 to 70 livestock siting or expansion requests per year (*statewide*), and a local cost of \$600 to \$1500 to process each application.

This rule allows a local government to charge an application fee of up to \$1,000 to offset its costs. If local governments charge an average application fee of \$500, the *net statewide total costs* to local governments would be approximately \$25,000 to \$35,000. This rule does not *require* local permits for new or expanded livestock facilities (that is a matter of local choice). A complete fiscal estimate is attached.

Public Hearings

DATCP held 12 hearings at 6 locations throughout the state. Approximately 800 persons attended the hearings, and DATCP received approximately 538 comments for the hearing record. A hearing summary is attached.

Changes from Hearing Draft

In response to hearing comments, DATCP made a large number of changes to the final draft rule. Most of the changes address concerns of livestock operators. See summary of changes attached.

Response to Rules Clearinghouse Comments

The Legislative Council Rules Clearinghouse made a number of comments on the hearing draft rule. The final draft addresses all of the comments, except as noted below:

Response to Comment 1.a: The Livestock Facility Siting Law directs DATCP to promulgate rules specifying standards for siting and expanding livestock facilities. The law limits local authority to disapprove siting applications for other reasons. The proposed rule allows local governments to charge a reasonable application fee (up to \$1,000), but prohibits a local government from imposing other fees, charges, bond requirements or security requirements. DATCP believes that the authority to specify siting standards implies authority to limit excessive fees and security requirements that could serve as *de facto* siting limitations.

Response to Comment 5.h. DATCP addressed this comment in a different way, by adding a definition of "person."

Response to Comment 5.j. DATCP does not believe that it is necessary to define "bedrock." The term is not defined in DNR rules.

Response to Comment 5.k. A “substantially altered” livestock structure means a livestock structure that undergoes a material change in construction *or use*, including any of the material changes listed in the definition. An increase of more than 20% in the number of animal units kept in the structure is a material change *in use*. Under the final draft rule, a change made to accommodate a different species of livestock does *not* in and of itself constitute a “substantial alteration” (unless accompanied by other material changes in construction or use).

Response to Comment 5.p. Under this rule, a livestock operator who holds a WPDES permit from DNR may submit a copy of that permit in lieu of 3 worksheets that would otherwise be required in a local siting application. The rule clearly states that the operator must submit a copy of the WPDES permit in order to qualify for the exemption (the exemption does not apply if DNR has not yet issued a WPDES permit).

Materials Attached

The following materials are included in this packet:

- Summary of rule contents.
- Summary of changes from hearing draft rule
- Final draft rule (ATCP 51) including “plain language analysis”
- Standard local siting application form and worksheets
- Hearing summary
- Odor trials report
- Fiscal estimate
- Business impact assessment
- Environmental assessment
- Training plan
- Timeline to establish Livestock Facility Siting Review Board
- Map showing local regulation before ATCP 51
- Livestock facility siting scenarios (how rule affects)
- Prior to ATCP 51 – Real examples of expansion costs
- Common misconceptions about the livestock facility siting rule



Proposed Livestock Facility Siting Rule

Final Rule Draft Dated September 15, 2005

SUMMARY

Background: The Livestock Facility Siting Law

This rule implements Wisconsin's Livestock Facility Siting Law (s. 93.90, Stats.). Under the Livestock Facility Siting Law, a local government *may not disapprove or prohibit* the siting or expansion of a livestock facility *of any size* unless one of the following applies:

- The site is located in a non-agricultural zoning district.
- The site is located in an agricultural zoning district where the livestock facility is prohibited. The zoning prohibition, if any, must be clearly justified on the basis of public health or safety. The Livestock Facility Siting Law limits exclusionary local zoning based solely on livestock facility size.
- The proposed livestock facility violates a valid local ordinance adopted under certain state laws related to shoreland zoning, floodplain zoning, construction site erosion control or stormwater management.
- The proposed livestock facility violates a building, electrical or plumbing code that is consistent with the state building, electrical or plumbing code for that type of facility.
- The proposed livestock facility *will have 500 or more "animal units"* (or will exceed a lower threshold incorporated in a local *zoning* ordinance prior to July 19, 2003), *and the proposed livestock facility violates standards in this rule*. A local government may adopt stricter local standards by ordinance. But those standards must be based on scientifically defensible findings of fact that clearly show the standards are necessary to protect public health or safety.

Many, but not all, local governments require local approval of new or expanded livestock facilities. The Livestock Facility Siting Law *does not require* local approval. But *if* local approval is required, the local government must grant or deny approval according to this rule. A local government may *not* consider other siting criteria, or apply standards that differ from this rule, except as specifically authorized in the Livestock Facility Siting Law.

Rule Coverage

This rule applies *only* to new or expanded livestock facilities that require local approval, and *only* if those facilities will have 500 or more “animal units” (or will exceed a lower threshold incorporated in a local zoning ordinance prior to July 19, 2003). The Department of Agriculture, Trade and Consumer Protection (DATCP) estimates that this rule will apply to approximately 50-70 local siting applications each year.

Two or more livestock facilities are treated as a single facility, for purposes of this rule, if the *same individual or business entity* owns all of the facilities and any of the following apply:

- The facilities are located on *adjacent* land parcels (a mere acquisition of a neighboring facility does not constitute an “expansion” unless more animals are added to the combined facilities).
- The *same structures* are used to collect or store manure or other waste from the facilities.
- Manure or other waste from the facilities is applied to the *same land*.

This rule applies to facilities that keep *cattle, swine, poultry, sheep or goats*. This rule does *not* apply to facilities that keep only horses, bison, farm-raised deer, fish, captive game birds, ratites (such as ostriches or emus), camelids (such as llamas or alpacas) or mink.

Application and Approval

A livestock operator seeking local approval must complete the *application form* and *worksheets* attached to this rule. An application must be complete, credible and internally consistent. The *application form* and *worksheets* elicit key information to show compliance with this rule.

If an application contains the required information, a local government *must approve* the livestock facility unless it finds, based on other clear and convincing evidence in the local record, that the facility fails to meet the siting standards in this rule. By spelling out clear application requirements and approval standards, this rule adds certainty to the application and decision-making process.

A complete application must include the following (see *application form*):

- Information about the applicant.
- A *description of the proposed livestock facility*, including the number of “animal units” for which the applicant seeks approval. The applicant must calculate animal units according to an *animal units worksheet (worksheet 1)*. The application must show the *maximum* number of “animal units” the applicant proposes to keep on at least 90 days in any 12-month period. Local approval, if granted, authorizes that number of “animal units.” The operator may not exceed that number without further local approval.

- An *area map*. The area map must show a 2-mile radius around the proposed facility (with topographic lines at 10-ft. elevation intervals). The map must show relevant features such as livestock structures, property lines, roads, buildings, residences and high use buildings, and navigable waters.
- A *site map*. The site map must show a 1,000 ft. radius around the proposed facility (with topographic lines at 2-ft. elevation intervals for the area within 300 ft. of livestock structures). The applicant must certify compliance with applicable property line and water quality setbacks under this rule (see below).
- The following *worksheets*:
 - *Animal units* (worksheet 1).
 - *Odor management* (worksheet 2).
 - *Waste and nutrient management* (worksheet 3).
 - *Waste storage facilities* (worksheet 4).
 - *Runoff management* (worksheet 5).

An applicant who holds a WPDES permit from DNR for the *same proposed livestock facility* (and the same or greater number of “animal units”) is *not* required to complete *worksheets 3, 4 and 5*, but must submit *worksheets 1 and 2*. This typically applies to livestock facilities that have at least 1,000 “animal units.”

The application form includes a *notice of other laws* that may apply to livestock operations. The notice makes the applicant aware of these laws, which are *not* used as standards for local siting decisions (other compliance mechanisms apply).

A local government may *not* alter the application form, or consider other siting criteria (there are very limited exceptions). A local government may charge a reasonable application fee to offset its costs to review and process an application. The fee must be set by local ordinance, and may not exceed \$1000. A local government may *not* charge any other fee, or require the applicant to post any bond or security.

Under the Livestock Facility Siting Law, an applicant for local approval must comply with this rule *regardless* of cost-sharing. *However, a local government may provide cost-sharing if it wishes.*

Property Line and Road Setbacks

Livestock structures must comply with local property line and road setbacks, provided that the local setback requirements do not exceed the maximum requirements allowed under this rule. *Livestock structures* include things like barns, milking parlors, feed storage facilities, feeding facilities, and animal lots, but do *not* include things like machine sheds, pastures, or fences around pastures. Local setback requirements may not exceed the following maximums:

- 100 ft. from property lines and roads, if the livestock facility will have fewer than 1,000 animal units.
- 200 ft. from property lines other than roads, and 150 ft. from roads, if the livestock facility will have 1,000 or more animal units.

Existing structures that predate local setback standards are “grandfathered.” They may be expanded away from, but not closer to, the road or property line.

New waste storage structures must be located at least 350 feet from property lines and roads. Existing waste storage structures within 350 feet are “grandfathered.” They may be expanded away from, but not closer to, the road or property line.

Water Quality Setbacks

This rule does not create any new water quality setbacks, but requires compliance with the following applicable laws:

- *Shoreland and wetland zoning ordinances.* Shoreland ordinances apply to most navigable waters, and require setbacks of at least 75 ft. for *new or enlarged structures* (some ordinances require longer setbacks).
- *Floodplain ordinances.* Floodplain ordinances apply to some, but not all navigable waters. Floodplain ordinances restrict *new or enlarged* structures in floodplains.
- *State well code.* The state well code (NR 811 and 812) regulates well location and setbacks for *new or enlarged* structures. *New or enlarged* livestock structures must be separated from existing wells by the distances required in these codes, regardless of whether the livestock facility operator owns the land on which the wells are located. DNR administers the code and may grant variances.

Odor and Air Emissions

Livestock facilities must meet “predicted odor” and “odor score” requirements, except that the following livestock facilities are *exempt*:

- A *new* livestock facility with fewer than 500 “animal units.”
- An *expanded* livestock facility with fewer than 1,000 “animal units.”
- A livestock facility (of any size) in which all livestock structures are located at least 2,500 feet from the nearest affected neighbor.

“Predicted odor” and “odor score” are calculated according to an *odor management worksheet (worksheet 2)* that accompanies an application for local approval. Alternatively, a livestock operator may use an automated spreadsheet to calculate “odor score.”

A local government *must approve* a livestock facility that meets the “predicted odor” and “odor score” standards. A local government also has *discretion* to approve a livestock facility, even if the facility fails either standard by up to 30 points.

“Predicted odor” predicts the amount of odor that will be generated by livestock facilities, based on the type of livestock and the size and type of facilities. An operator can improve “predicted odor” by implementing odor management practices listed in the worksheet (the operator chooses which, if any, practices to implement). The operator may also get credit for innovative odor management practices (not yet listed in the worksheet) if DATCP approves.

“Odor score” considers “predicted odor” *and the distance and density of “affected neighbors”* (the further the distance, and the lower the density, the better the score). “Affected neighbors” are residences or “high use buildings” *other than* those owned by the applicant or by persons who agree to be excluded from the odor score calculation. A “high use building” is any of the following:

- A residential facility that has at least 6 distinct dwelling units.
- A hotel or restaurant.
- A school, hospital or licensed care facility.
- A business or workplace that is normally occupied, during at least 40 hours of each week, by customers or employed workers.

If at some future date the livestock operator seeks approval for *further expansion* of the livestock facility, the operator may calculate the “odor score” distance and density using *the same initial reference points* despite subsequent encroaching development. This rule thus provides some protection against encroaching development, without regulating that development directly.

If livestock structures are divided into 2 or more “clusters” (for example, a milking facility and a separate heifer facility) that are separated by more than 750 feet, the operator may choose to calculate a “predicted odor” and “odor score” for each “cluster,” rather than for the entire facility.

Waste and Nutrient Management

A livestock operator must manage manure and other waste responsibly, according to standards in this rule. A *waste and nutrient management worksheet (worksheet 3)* must accompany every application for local approval. The completed *worksheet* must include all of the following:

- The types and amounts of manure and other organic waste that the livestock facility will generate *when fully populated*.
- The types and amounts of waste the operator will store, the waste storage facilities and methods the operator will use, the intended duration of waste storage, and the capacity of waste storage facilities.
- The final disposition of waste by landspreading or other means.
- The acreage available to the operator for landspreading (adequate acreage helps prevent excessive nutrient applications).
- A map showing where the operator proposes to landspread nutrients.

- A *nutrient management checklist*. This checklist is *not* required for a livestock facility with fewer than 500 “animal units” unless the operator’s ratio of acres to “animal units” is less than 1.5 for dairy and beef cattle, 1.0 for swine, 2.0 for sheep and goats, 2.5 for chickens and ducks, and 5.5 for turkeys (these “quick test” ratios are based on the phosphorus content of manure from the respective species).

A qualified nutrient management planner (other than the applicant) must complete the *nutrient management checklist* (if required). The planner must answer key questions to show that the livestock operation will comply with NRCS nutrient management standards (based on nitrogen and phosphorus). However, a livestock operator is *not* required to submit a complete nutrient management plan with the application for local approval.

The nutrient management planner must have documentation to support the planner’s answers to checklist questions. The planner is not required to submit that documentation with the checklist. But the political subdivision may ask the planner to submit the planner’s documentation for one or more answers, as necessary.

Waste Storage Facilities

Waste storage facilities must be structurally sound and free of significant leakage that could pollute surface water or groundwater. A *waste storage facility worksheet (worksheet 4)* must accompany an application for local approval. The *worksheet* must be signed by a registered professional engineer or certified agricultural engineering practitioner. The signed worksheet creates a presumption of compliance.

- **Existing facilities.** The *worksheet* must certify that each existing facility meets one of several alternative construction standards, based on the type and age of the facility (an existing facility does not have to meet standards for new construction, unless it is substantially altered). There must not be any overt evidence of leakage or structural failure.
- **New or substantially altered facilities.** *New or substantially altered* waste storage facilities must be designed and constructed according to the following technical standards:
 - *NRCS technical guide manure storage facility standard 313 (November, 2004).*
 - *NRCS technical guide manure transfer standard 634 (November, 2004).*

The *worksheet* must include design specifications, and must certify that the design specifications comply with the NRCS standards. Construction may not deviate materially from the design specifications without local authorization.

- **Closed facilities.** If an operator *closes* a waste storage facility, the operator must have and follow a closure plan that complies with *NRCS technical guide closure of waste impoundments standard 360 (June 2001)*. The *worksheet* must include a copy of the closure plan, and must certify that it complies with the standard.

- **Waste storage capacity.** The person signing the *worksheet* must determine the overall capacity of the waste storage facilities. Waste storage capacity must be adequate for reasonably foreseeable storage needs, based on the applicant's waste disposal and nutrient management strategy (see above). There may be no overflow of waste storage facilities.

Runoff Management

A livestock facility must comply with standards to prevent polluted runoff. An applicant must submit a *runoff management worksheet (worksheet 5)*, signed by the applicant and a registered professional engineer or certified agricultural engineering practitioner. The *worksheet* must certify that the facility complies with the following standards:

- **New or substantially altered animal lots.** Every *new or substantially altered animal lot* must be designed and constructed according to *NRCS technical guide wastewater treatment strip standard 635 (January, 2002)*. The *worksheet* must include design specifications, and must certify that the specifications comply with the NRCS standard. Construction may not vary materially from design specifications without local authorization.
- **Existing animal lots.** The *worksheet* must certify that each *existing* animal lot will meet the following standards without alteration, or with minor alterations specified in the *worksheet*:
 - The predicted annual phosphorus runoff from the animal lot (calculated according to the *BARNY* feedlot model at the end of the runoff treatment area) must be less than 5 lbs. if the animal lot is located within 1,000 ft. of a lake or 300 ft. of a stream.
 - The predicted annual phosphorus runoff from the animal lot (calculated according to the *BARNY* feedlot model at the end of the runoff treatment area) must be less than 15 lbs. if the animal lot is *not* located within 1,000 ft. of a lake or 300 ft. of a stream.
 - There may be no direct runoff from the feedlot to any direct conduit to groundwater (such as a sinkhole).
- **Feed storage facilities.** Feed storage facilities must comply with the following requirements (the *worksheet* must certify compliance):
 - *General.* All feed storage must be managed to prevent significant discharge of leachate or polluted runoff to waters of the state (fermented feed leachate is an especially potent water pollutant).
 - *Existing storage of high moisture feed.* Surface water runoff must be diverted from existing paved areas and bunkers used to store or handle feed with a 70% or higher moisture content. Surface discharge of leachate from the high-moisture feed must be collected (and properly disposed of) before it leaves any paved area that covers more than one acre.

- *New or substantially altered storage of high moisture feed.* New or substantially altered feed storage structures (including buildings, bunkers, silos and paved areas used to store or handle feed) must meet standards in this rule if they are used to store or handle feed that has a moisture content of 70% or more. Surface water runoff must be diverted from entering the feed storage structure. Leachate must be collected (and properly disposed of) before it leaves the structure. The structure must sit at least 3 feet above groundwater and bedrock. If the structure covers more than 10,000 square feet must have a subsurface system to collect leachate that may leak through a cracked floor. The *worksheet* must include design specifications and certify compliance.
- ***Clean water diversion.*** Runoff from a livestock facility must be diverted from contact with animal lots, manure storage facilities, paved feed storage areas and manure piles within 1,000 ft. of a lake or 300 ft. of a stream. Runoff may be diverted by means of earthen diversions, curbs, gutters, waterways, drains or other practices, as appropriate.
- ***Unconfined manure piles.*** A livestock facility may not have any unconfined manure piles within 1,000 ft. of a lake or 300 ft. of a stream.
- ***Livestock access to waters of the state.*** A livestock facility operator must limit livestock access to waters of the state as necessary to maintain adequate vegetative cover on banks adjoining the water. This does not prohibit properly designed livestock or farm machinery crossings.

Local Decision

Whenever a person applies for local approval of a livestock operation, a local government must:

- Notify an applicant, within 45 days, whether the application is complete. If the application is not complete, the local government must describe the information needed. After the applicant provides this information, the local government must notify the applicant within 14 days that the application is complete.
- Grant or deny an application within 90 days after giving notice that the application is complete (the local government may extend this deadline for good cause).

If the application complies with this rule, the local government *must approve* the application unless the local government finds, based on other clear and convincing evidence documented in the local record that the proposed livestock facility fails to meet the standards under this rule. The local government must issue its decision in writing. The decision must be based on written findings of fact included in the decision. The findings must be supported by evidence in the record.

The local government must record its decision making process. The record must include the application for approval, a record of any public hearing (municipal law normally determines whether a hearing is required), a copy of any local ordinance cited in the local decision, and other documents or evidence considered by the local government. The local government must keep the record for at least 7 years.

Appeal to Livestock Facility Siting Review Board

The Livestock Facility Siting Law provides a new option for “aggrieved persons” to appeal a local siting decision (it does not limit any existing right that any person may have to challenge a decision in court). An “aggrieved person” means an applicant, or a person who resides or owns land within 2 miles of the proposed livestock facility.

An “aggrieved person” may appeal a local decision to the state Livestock Facility Siting Review Board (“Board”). The Board consists of 7 members, appointed by the DATCP Secretary subject to Senate confirmation, for staggered 5-year terms.

The Board includes one member representing towns, one member representing counties, one member representing environmental interests, one member representing livestock farming interests, and 3 other members. The Board is attached to DATCP for administrative purposes, but exercises independent decision making authority.

An aggrieved person may appeal a local decision within 30 days after the local government issues the decision (or, if the aggrieved person pursues a local administrative appeal process, within 30 days after that process is complete). The aggrieved person may challenge the local decision on the grounds that it incorrectly applied DATCP standards or violated the Livestock Facility Siting Law.

When an appeal is filed, the Board must notify the local government. Within 30 days after the local government receives this notice, it must file a certified copy of its decision making record with the Board. The Board must review the local decision based on the evidence in the local record (the Board will not hold a new hearing or accept new evidence). The Board must make its decision within 60 days after it receives the certified local record (it may extend the deadline for good cause).

If the Board determines the challenge is valid, it must reverse the decision of the local government. An aggrieved person may enforce the Board’s decision in court, if that becomes necessary. An “aggrieved person” *or the local government* may appeal the Board’s decision to circuit court. In any appeal to circuit court, the court must review the Board’s decision based on the evidence in the local record (the court will not hold a new hearing or accept new evidence).

State Standards Incorporated in Local Ordinance

A local government *may not disapprove* a new or expanded livestock facility under this rule unless the local government incorporates the rule standards, directly or by reference, in the local ordinance (the rule provides a 6-month initial “grace period” for the local government to do so). A local government may not modify the standards, except as specifically provided in this rule. A local government must give DATCP a copy of the ordinance provisions (but failure to do so does not invalidate the ordinance).

Local Approval of Existing Livestock Facilities

This rule clarifies local approval of existing livestock facilities. Generally speaking, a local government may *not* require local approval under this rule for any of the following:

- A livestock facility that existed before the effective date of this rule, or before the effective date of the local approval requirement.
- A livestock facility that the local government has already approved. Prior approval for the construction of a livestock facility implies approval for the maximum number of “animal units” that the approved facility was reasonably designed to house (unless the approval specifies a different maximum number). Prior approval of a waste storage structure (for example, under a local manure storage ordinance) does not constitute prior approval of an entire livestock facility.

A local government may require local approval for the *expansion* of a pre-existing or previously-approved livestock facility if the number of “animal units” at the expanded facility will exceed all of the following:

- The applicable size threshold for local approval under this rule (typically 500 “animal units” unless a local zoning ordinance enacted prior to July 19, 2003 specifies a lower size threshold).
- The maximum number of “animal units” previously approved or, if no maximum number was previously approved, a number that is 20 percent higher than the number kept on the effective date of this rule or on the effective date of the local approval requirement, whichever date is later.

Proposed ch. ATCP 51, Wis. Adm. Code (Livestock Facility Siting)
Summary dated September 15, 2005

September 15, 2005

Proposed Livestock Facility Siting Rule (ATCP 51) Changes After Public Hearings

The Department of Agriculture, Trade and Consumer Protection (DATCP) made the following changes to the proposed Livestock Facility Siting Rule (ATCP 51) following public hearings on the draft rule:

- **Odor Management (Livestock Structures).** The final draft makes the following key changes to the rule text and *odor management worksheet*:
 - *Revises odor management standards.* A proposed livestock facility must have a “predicted odor” of 350 or less (new standard) and a total “odor score” of 500 or more (modified standard). “Predicted odor” considers odor generation and odor management practices, but *not* distance to affected neighbors. Total “odor score” considers “predicted odor” *and the distance and density of affected neighbors*. The final draft caps predicted odor, but allows predicted odor to affect neighbors somewhat more frequently. More livestock facilities will pass under the final draft standards. A local government may, *in its discretion*, give the operator an additional 30-point credit under each standard.
 - *Expands exemptions.* The final draft odor management standard, like the hearing draft standard, completely exempts *new* livestock facilities with fewer than 500 “animal units” and *expanded* livestock facilities with fewer than 1,000 “animal units.” The final draft also completely exempts livestock facilities that are located at least 2,500 ft. from the nearest “affected neighbor.”
 - *Modifies odor generation estimates for large waste storage structures.* The final draft reduces odor generation estimates, based on a more careful review of available scientific evidence. Odor research experts support the final draft estimates.
 - *Modifies animal housing size calculation.* The final draft excludes non-animal surfaces from the size calculation. The final draft also eliminates double-counting of housing facilities that also have some waste storage under the housing facility (this mainly affects swine operations).
 - *Expands the number of odor management practices for which a livestock operator may claim credit.* The operator may claim credit for implementing recognized odor management practices listed in the *odor management worksheet*. The final draft refines the list of recognized practices and credits (based on available scientific evidence), and establishes standard definitions for the recognized practices. Under the final draft, the operator may *also* receive credit for innovative odor management practices not yet listed in the *odor management worksheet* if the operator obtains prior DATCP approval. DATCP may approve

credits for innovative practices if DATCP concludes that those practices will provide odor reduction commensurate with the approved credits (the final draft rule specifies an approval process).

- *Describes recognized odor management practices.* The final draft, like the hearing draft, gives credit for recognized odor control practices. The final draft describes the practices more clearly (the hearing draft merely identified them by name). The final draft describes the practices in simple plain-language terms, as part of the *odor management worksheet*.
- *Refines the calculation of odor score, based on the weighted average contribution of livestock structures.* The final draft refines the odor prediction formula, by weighting the contribution of different livestock structures and calculating distances from the odor “center of gravity.”
- *Refines the calculation of odor score, based on the density of nearby development.* The final draft considers the *density*, as well as the proximity, of nearby development. The same density scores will apply to subsequent expansions of the livestock facility, regardless of encroaching development. The rule thus provides some protection against encroaching development, without regulating that development directly.
- *Clearly defines “affected neighbors,” for purposes of odor score calculations.* The final draft clarifies definitions, and provides a way to document odor score reference points (“affected neighbors”) in the application for local approval. These changes will clarify and simplify odor score calculations. They will also help document reference points for the future (the same reference points apply to future expansions, as in the hearing draft).
- *Accounts for prevailing wind direction.* Under the final draft, the livestock operator receives more “distance” credit if development is located *upwind* from the livestock facility (based on prevailing wind direction).
- *Simplifies “cluster” option.* The final draft, like the hearing draft, allows a livestock operator to calculate separate odor scores for “clusters” of livestock structures (such as a milking center and separate heifer facility). The final draft makes it easier to use the “cluster” option (minimum distance between “clusters” is reduced to 750 feet).
- *Eliminates credits for optional “good neighbor” practices that do not reduce odor.* The hearing draft gave credit for optional “good neighbor” practices that would not actually reduce odor. The final draft eliminates those credits, but *expands* credit for employee training and incident response plans which are now *required* (see below).

- *Modifies local discretionary credit.* Under the hearing draft, a local government had discretion to approve a livestock facility that failed the “odor score” standard by up to 30 points. Under the final draft, a local government also has discretion to approve a livestock facility that fails the (new) “predicted odor” standard by up to 30 points. See revised odor standards above.
- *Rejects “no net increase” exemption.* At the public hearings, DATCP entertained testimony on a possible “no net increase” exemption (which was not actually included in the hearing draft). DATCP rejected this exemption, which might have exempted “problem” facilities from the odor standard as long as the expansion did not make the “problem” odor worse.
- *Clarifies that odor score is not a “nuisance” standard.* The final draft clarifies that an odor score is not a “nuisance” standard, but is a predictive tool used only for purposes of local livestock facility siting decisions.
- *Uses tables, rather than curves, to calculate odor score.* The final draft uses a table format, rather than “odor curves.” The table format is more user-friendly, and less confusing (this is not a substantive change).
- *Offers automated spreadsheet option for calculating odor score.* The final draft offers a spreadsheet option will be convenient for many users. The spreadsheet is available on DATCP’s website. The livestock operator may submit the spreadsheet output with the siting application, in lieu of hard-copy *worksheet* calculations. The operator is free to choose between spreadsheet and hard copy (results are the same).
- *Establishes a positive scoring system.* The final draft avoids the stigma of a “negative” odor score (this is not a substantive change).
- *Revises terminology.* The final draft eliminates the unpopular “odor index” name (this is not a substantive change). The final draft also clarifies terminology on the *odor management worksheet*.
- *Revises worksheet instructions.* The final draft clarifies instructions for completing the *odor management worksheet* (this is not a substantive change).
- ***Odor Management (Land Application of Manure).*** The hearing draft prohibited land applications of certain kinds of manure near residences or “high public use areas,” except under certain conditions. The final draft eliminates this prohibition.

- **Livestock Structures; Setbacks.** The final draft modifies setback requirements for livestock structures, as follows:
 - *Compliance with local setbacks.* The hearing draft specified minimum road and property line setbacks for livestock structures (100, 150 or 200 ft., depending on circumstances). The final draft deletes these setback requirements, but requires compliance with *local setbacks* (which are generally shorter). Local setbacks may not exceed *maximum setbacks* specified in the final draft (100, 150 or 200 ft., depending on circumstances). Structures that predate local setbacks are “grandfathered” (they may be expanded away from, but not closer to, the road or property line).
 - *Waste storage setbacks.* The final draft establishes a new setback requirement for waste storage structures. Waste storage structures must be located at least 350 ft. from roads and property lines. Existing waste storage structures within 350 ft. are “grandfathered” (they may be expanded away from, but not closer to, the road or property line).
 - *Well setbacks.* The hearing draft required compliance with state well code requirements in ch. NR 812, Wis. Adm. Code (private wells). The final draft requires compliance with state well code requirements in NR 812 *and* NR 811 (private wells *and* community wells). New or substantially altered livestock structures must be separated from existing wells by the distances required in NR 812 *and* 811, *regardless of whether the livestock facility operator owns the land on which the wells are located* (improper livestock structure siting may affect the legality and use of a neighbor’s well).
- **Nutrient Management.** The final draft, like the hearing draft, requires compliance with federal nutrient management standards (NRCS 590) based on nitrogen *and* phosphorus. But the final draft *excludes* several NRCS 590 provisions. One excluded provision would have allowed local governments to use individual farm conservation plans to establish more stringent standards for local approval of new or expanded livestock facilities (contrary to the Wisconsin Livestock Facility Siting Law). A livestock operator is *not* required to submit a nutrient management plan with an application for local approval (just a short checklist or, if the livestock facility has fewer than 500 “animal units,” an alternative statement that the operator can meet a minimum land-to-manure ratio).
- **Runoff Management.** The final draft makes the following changes to livestock facility runoff management standards:
 - Simplifies subsurface runoff collection system requirements for large structures used to store high moisture feed (70% or higher moisture). Identical requirements apply in and out of water quality management areas (the hearing draft imposed more difficult requirements, but only in water quality management areas).

- Eliminates construction site erosion control standards, which merely duplicated existing DNR standards (the standard application form will still include a notice informing the applicant of DNR regulations related to construction site erosion control).
- **Local Approval Requirement and Standards.** This rule *does not require* a local government to require local approval of new or expanded livestock facilities. But *if* a local government requires local approval, it must use the standards in this rule and must incorporate those standards (at least by reference) in its local ordinance. The final draft adds the following provisions:
 - A local government may not require local approval of a livestock facility with fewer than 500 “animal units” unless the local government has by ordinance specified a lower size threshold *in terms of animal numbers or “animal unit” numbers* prior to July 19, 2003 (the hearing draft was not clear on how the lower size threshold must be specified). This rule honors local thresholds specified in “animal units” (however defined in the local ordinance), but local governments must use the “animal unit” definition in this rule when evaluating applications for local approval.
 - A local government has 6 months, after the rule effective date, to incorporate the rule standards in its local ordinance (the hearing draft did not allow this 6-month grace period). A local government may apply the rule standards beginning on the rule effective date. But after the 6-month grace period, a local government may no longer deny a siting application unless it has incorporated the rule standards in its local ordinance (at least by reference).
 - Whenever a local government enacts an ordinance provision that requires local approval, or incorporates standards for local approval, it must file a copy of that ordinance provision with DATCP. A failure to file with DATCP does not, by itself, invalidate the ordinance provision.
- **Local Approval of Existing Facilities.** The final draft clarifies provisions related to local approval, under this rule, of *existing livestock facilities*. Generally speaking, a local government may *not* require local approval under this rule for any of the following:
 - A livestock facility that existed before the effective date of this rule, or before the effective date of the local approval requirement.
 - A livestock facility that the local government has already approved. Prior approval for the construction of a livestock facility implies approval for the maximum number of “animal units” that the approved facility was reasonably designed to house (unless the approval specifies a different maximum number). Prior approval of a waste storage structure (for example, under a local manure

storage ordinance) does not constitute prior approval of an entire livestock facility.

A local government may require local approval for the *expansion* of a pre-existing or previously-approved livestock facility if the number of “animal units” at the expanded facility will exceed all of the following:

- The applicable size threshold for local approval under this rule (typically 500 “animal units” unless a local zoning ordinance enacted prior to July 19, 2003 specifies a lower size threshold).
 - The maximum number of “animal units” previously approved or, if no maximum number was previously approved, a number that is 20 percent higher than the number kept on the effective date of this rule or on the effective date of the local approval requirement, whichever date is later.
- ***Standard Application Form.*** A livestock operator who seeks local approval for a new or expanded livestock facility must use a standard application form provided in this rule. The final draft makes the following changes:
 - It makes the application form and worksheets more “user-friendly,” and adds clarifying instructions.
 - It modifies some of the attached *worksheets* (particularly the *odor management worksheet*).
 - It eliminates the *mortality management worksheet*.
 - It requires an *incident response plan* and *employee training plan* related to spills and odor management. The applicant determines plan contents, as long as the plans address certain required topics.
 - ***Local Application and Approval Process.*** If an operator needs local approval for a new or expanded livestock facility, the operator must follow the application process in this rule. This rule also spells out local government procedures for reviewing and acting on the operator’s application. The final draft makes the following changes:
 - A local government may charge an application fee of up to \$1,000 to cover its costs to review and process an application (the hearing draft capped the fee at \$500). The final draft, like the hearing draft, prohibits any other bond or security.
 - A local government may not require additional information of an applicant (beyond that required in the standard application form and worksheets), except as specifically authorized in this rule.
 - A local government may require an applicant to file up to 4 duplicate copies of the original application form and worksheets (but not attachments such as engineering design standards, maps or aerial photos).

- Within 30 days after the local government grants or denies an application, the local government must notify DATCP of its action. The local government must give DATCP a copy of the operator's application and worksheets (but not attachments such as engineering design standards, maps or aerial photos). A failure to give the required notice or copies does not, by itself, invalidate the local government action.
- If an applicant submits an incomplete application, the local government must issue a notice of completeness within 14 days after the applicant remedies the deficiency (the hearing draft required a timely notice of completeness but did not provide a clear deadline).
- **Definitions.** The final draft changes adds, deletes or changes the following definitions:
 - "*Adjacent livestock facilities.*" The final draft makes technical changes in response to comments from the Legislative Council Rules Clearinghouse.
 - "*Affected neighbor.*" The final draft adds a definition of "affected neighbor," for purposes of odor score calculations. An "affected neighbor" is a residence or "high-use building" *other than* one owned by the operator or a person who agrees to have the building excluded from odor score calculations. This will clarify the calculation of odor scores.
 - "*Animal lot.*" The rule establishes runoff standards and other requirements related to "animal lots." The final draft clarifies that a "winter grazing area" is not an "animal lot." The final draft also clarifies when 2 or more animal confinement areas are considered a single "animal lot" for purposes of this rule.
 - "*Certified agricultural engineering practitioner.*" The final draft makes technical changes in response to comments from the Legislative Council Rules Clearinghouse.
 - "*High public use area.*" The final draft deletes this definition and substitutes the term "high-use building."
 - "*High-use building.*" The odor score for a livestock facility is partly based on the proximity and density of nearby residences and "high-use buildings." The final draft defines a "high-use building" as any of the following buildings:
 - * A residential building that has at least 6 distinct dwelling units.
 - * A licensed restaurant, hotel, motel or tourist rooming house.
 - * A school building.
 - * A hospital or licensed care facility.
 - * A business or workplace that is normally occupied, during at least 40 hours of each week, by customers or employed workers.

- “*Liquid manure.*” The final draft deletes this definition because the defined term is no longer used in the rule text.
- “*Livestock facility.*” This rule applies to local approval of “livestock facilities” as defined in this rule. The final draft excludes pastures *or winter grazing areas*. The final draft also clarifies that 2 or more livestock facilities are not considered a single “livestock facility,” for purposes of this rule, merely because they are covered under the same nutrient management plan.
- “*Livestock structure.*” This rule establishes standards for “livestock structures.” The final draft clarifies that neither pastures *nor winter grazing areas* are considered “livestock structures.”
- “*Non-affiliated residence.*” The final draft deletes this definition, and substitutes a definition of “affected neighbor” for purposes of odor score calculations (see above). This change will clarify the calculation of odor scores.
- “*Nutrient management plan.*” The final draft deletes this definition, because it is not necessary and may be confusing.
- “*Pasture.*” The final draft modifies the hearing draft definition as follows:
 - “Pasture” means land on which livestock graze or otherwise seek feed in a manner that maintains the vegetative cover over all of the grazing or feeding area, ~~and where the vegetative cover is the primary food source for the livestock.~~
- “*Person.*” The final draft defines a “person” as an “individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.” This is a standard definition used in most DATCP rules.
- “*Substantially altered.*” Under this rule, new and “substantially altered” livestock structures are subject to more rigorous standards than existing structures. The final draft clarifies that a change to accommodate a different species of livestock does not, by itself, constitute a “substantial alteration” (unless the structure is also enlarged, etc.).
- “*Untreated manure.*” The final draft deletes this definition, because the defined term is no longer used in the rule text.
- “*Waste storage structure.*” The final draft modifies this definition to exclude, for purposes of odor calculations and property line setback requirements, waste storage structures under animal housing areas (swine housing areas with slatted floors, for example). The exclusion does not affect waste storage construction standards or runoff protection requirements.

- “*Water quality management area.*” The final draft deletes this definition, because the defined term is no longer used in the rule text.
 - “*Winter grazing area.*” The final draft defines “winter grazing area” and clarifies that a “winter grazing area” is not considered a “livestock facility” or “livestock structure.”
- ***Affected Livestock.*** This rule applies only to facilities that keep *cattle, swine, poultry, sheep or goats*. It does not apply to facilities that keep only horses, farm-raised deer, fish, captive game birds, ratites (such as ostriches or emus), camelids (such as llamas or alpacas) or mink. The final draft further clarifies that the rule does not apply to facilities that keep only *bison*.
 - ***Explanatory Notes.*** The final draft adds a number of *explanatory notes*. These notes, which are not part of the rule text, help to explain the rule and its context. For example, the final draft adds notes to explain the scope and intent of the rule, to provide illustrative examples, to explain cross-references to other laws, to urge sound enforcement discretion by local government (considering bad weather and other mitigating factors), and to pledge periodic review of rule provisions in consultation with livestock producers, university experts and others.
 - ***Technical Drafting Changes.*** The final draft makes a number of technical drafting changes to the hearing draft rule, including changes recommended by the Legislative Council Rules Clearinghouse. The final draft also makes a number of changes to the application form and attached *worksheets*.

Department of Agriculture, Trade and Consumer Protection
September 15, 2005