



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-5390/1
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2017 SENATE BILL 879

March 22, 2018 - Introduced by Senators RINGHAND and ERPENBACH, cosponsored by Representatives SPREITZER and POPE. Referred to Committee on Senate Organization.

1 **AN ACT to amend** 281.16 (3) (e); and **to create** 281.16 (5) and 283.31 (3) (g) of
2 the statutes; **relating to:** allowing Green County to regulate the land
3 application of manure.

Analysis by the Legislative Reference Bureau

This bill allows Green County to enact and enforce an ordinance that regulates the land application of manure in all or parts of the county where the bedrock lies within 20 feet of the land's surface. The bill requires such an ordinance to be identical to any rule promulgated by the Department of Natural Resources that regulates manure application in areas with Silurian bedrock, except that the ordinance may apply regardless of whether Silurian bedrock is present. The bill exempts such an ordinance from the requirement under current law that DNR or DATCP determine, before a municipality enacts a local ordinance that regulates livestock operations and that exceeds the nonpoint performance standards for agricultural facilities set by DNR, that the ordinance is necessary to achieve water quality standards. Under current law, an agricultural facility in existence before October 14, 1997, is exempt from the nonpoint performance standards for agricultural facilities set by DNR unless cost-sharing is available to the owner or operator of the facility. This bill provides the same exemption to an ordinance enacted by Green County under the provisions of the bill.

The bill also requires DNR to include, in any Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued to a permittee to which the ordinance applies, a requirement that the permittee comply with the ordinance as a condition of the WPDES permit.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 281.16 (3) (e) of the statutes is amended to read:

2 281.16 (3) (e) An owner or operator of an agricultural facility or practice that
3 is in existence before October 14, 1997, may not be required by this state or a
4 municipality to comply with the performance standards, prohibitions, conservation
5 practices, or technical standards under this subsection or under an ordinance
6 enacted under sub. (5) (b) unless cost-sharing is available, under s. 92.14 or 281.65
7 or from any other source, to the owner or operator. For the purposes of this
8 paragraph, sub. (4), and ss. 92.07 (2), 92.15 (4), and 823.08 (3) (c) 2., the department
9 of natural resources shall promulgate rules that specify criteria for determining
10 whether cost-sharing is available under s. 281.65 and the department of agriculture,
11 trade and consumer protection shall promulgate rules that specify criteria for
12 determining whether cost-sharing is available under s. 92.14 or from any other
13 source. The rules may not allow a determination that cost-sharing is available to
14 meet local regulations under s. 92.07 (2)-~~or~~, 92.15, or sub. (5) (b) that are consistent
15 with or that exceed the performance standards, prohibitions, conservation practices,
16 or technical standards under this subsection unless the cost-sharing is at least 70
17 percent of the cost of compliance or is from 70 percent to 90 percent of the cost of
18 compliance in cases of economic hardship, as defined in the rules.

19 **SECTION 2.** 281.16 (5) of the statutes is created to read:

20 281.16 (5) GREEN COUNTY LAND APPLICATION ORDINANCE. (a) In this section:

