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STATE OF WISCONSIN )  
 ) SS.  
DEPARTMENT OF AGRICULTURE, )  
TRADE & CONSUMER PROTECTION )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Kenneth P. Robert, Administrator, Agricultural Resource Management Division, Wisconsin Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Division, do hereby certify that the annexed order adopting rules relating to the animal waste grant program, Chapter Ag 165, Wisconsin Administrative Code, was duly approved and adopted by the Department on July 30, 1984.

I further certify that said copy has been compared by me with the original on file in the Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Department offices in the city of Madison, this 30<sup>th</sup> day of July, 1984.

Kenneth P. Robert  
Kenneth P. Robert, Administrator  
Agricultural Resource Management  
Division

10-1-84

7/26/84

PROPOSED ORDER OF THE

STATE OF WISCONSIN

DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

ADOPTING, AMENDING OR REPEALING RULES

1 To create chapter Ag 165 of the Wisconsin administrative  
2 code, relating to the animal waste grant program.

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Analysis Prepared by the Department of Agriculture  
Trade and Consumer Protection

Section 92.15(1), Stats., directs the department of agriculture, trade and consumer protection to adopt rules governing the administration of the Wisconsin farmers fund program, an animal waste water pollution grant program. This program provides cost-sharing grants to farmers for the design and installation of manure storage, treatment and runoff control facilities and structures needed to meet water quality objectives. The program is administered by the department and by counties. To be eligible to participate, counties must prepare an animal waste plan and adopt an ordinance requiring earthen manure storage pits to meet certain technical standards. Farmers in counties which are not participating in the program may receive grants only if the farmer has received a notice of discharge related to animal waste or is required to apply for a permit under ch. 147, Stats.

Proposed ch. Ag 165, Wis. Adm. Code, is adopted pursuant to s. 92.15, Stats. The proposed rule establishes criteria for departmental approval of county animal waste plans and ordinances; identifies the types of facilities and structures eligible for cost sharing; establishes cost-sharing rates; identifies the responsibilities of the owner or operator for maintenance of the structures and facilities; and sets forth the responsibilities of the department and counties for program administration. The proposed rule also specifies methods for coordinating this program with related programs administered by the Wisconsin department of natural resources.

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3 Pursuant to the authority vested in the state of Wisconsin  
4 department of agriculture, trade and consumer protection by  
5 s. 92.15, Stats., the state of Wisconsin department of agricul-  
6 ture, trade and consumer protection hereby proposes to create  
7 rules interpreting ss. 92.15 and 92.16, Stats., as follows:

1 SECTION 1. Chapter Ag 165 of the Wisconsin administrative  
2 code is created to read:

3 CHAPTER AG 165

4 ANIMAL WASTE GRANT PROGRAM

5 Ag 165.01 DEFINITIONS. (1) "Animal feeding operation"  
6 means a lot or facility, other than a pasture, where animals have  
7 been, are, or will be fed, confined, maintained, or stabled for a  
8 total of 45 consecutive days or more in any 12 month period.

9 (2) "A.r.s. feedlot model" means the analytical model devel-  
10 oped by the agricultural research service of the United States  
11 department of agriculture and described in the guidebook "An eval-  
12 uation system to rate feedlot pollution potential" published by  
13 the agricultural research service in April, 1982.

14 Note: The a.r.s. feedlot model is used to rate the  
15 water pollution potential of surface runoff from  
16 feedlots. Ratings range from 0 to 100. A copy of  
17 the April, 1982 guidebook containing the a.r.s. feed-  
18 lot model may be inspected at the central offices of  
19 the department and at the offices of the secretary of  
20 state and revisor of statutes. Copies may be  
21 obtained, at cost, at the central offices of the  
22 department.

23 (3) "Department" means the Wisconsin department of  
24 agriculture, trade and consumer protection.

25 (4) "Earthen manure storage facility" means an excavated or  
26 earthen impoundment for temporary storage of animal waste.

27 (5) "Permanent runoff control structures" means construc-

1 tions and devices used to control, divert or retard surface runoff  
2 water, and includes diversions, dams, dikes, settling basins,  
3 filter walls, gutters, downspouts, underground outlets, filter  
4 strips, and other similar practices and devices.

5 (6) "Technical guide" means the technical guide which is  
6 published by the soil conservation service of the United States  
7 department of agriculture and which is in effect on March 1,  
8 1984.

9 Note: Copies of referenced sections of the technical  
10 guide may be inspected at the central offices of the  
11 department and at the offices of the secretary of  
12 state and revisor of statutes. Copies may be  
13 obtained, at cost, at the central offices of the  
14 department.

15 (7) "Waste storage facility" means a concrete, steel or  
16 otherwise fabricated structure, or an excavated or earthen  
17 impoundment used for temporary storage of animal waste or other  
18 organic agricultural wastes.

19 (8) "Waste treatment facility" means a lagoon, or an exca-  
20 vated or earthen impoundment, used for biological treatment of  
21 animal waste.

22 Ag 165.02 COUNTY ANIMAL WASTE WATER-POLLUTION CONTROL PLANS.

23 (1) GENERAL REQUIREMENT. To be eligible for the receipt of ani-  
24 mal waste grant funds under s. Ag 165.04, a county shall prepare  
25 an animal waste water-pollution control plan as provided in this  
26 section. Plans shall be submitted to the department for approval  
27 under sub. (3). No funds may be granted to a county under

1 s. Ag 165.04 until the county has adopted an approved plan.

2 (2) PLAN CONTENTS; PREPARATION. (a) Water pollution  
3 sources; priority areas. The county animal waste water-pollution  
4 control plan shall delineate priority areas within the county  
5 where animal waste water-pollution problems are most likely to  
6 occur. In order to identify priority areas, the county shall  
7 systematically consider:

8 1. The distance from animal feeding operations in the area  
9 to waters of the state.

10 2. The number, location and size of animal feeding  
11 operations within the area.

12 3. Soil, bedrock, water table and topographical features.

13 4. Available water quality data and management plans,  
14 including areawide water quality management plans prepared under  
15 ch. NR 121.

16 5. Other factors which are considered relevant by the  
17 county, and set forth in the animal waste water-pollution control  
18 plan.

19 (b) Water pollution sources; nonpriority areas. The county  
20 may include in the animal waste water-pollution control plan ani-  
21 mal feeding operations which, based on the criteria set forth in  
22 par. (a), are considered by the county to have the potential to  
23 cause water-pollution problems.

24 (c) Meetings. Before completing the county animal waste  
25 water-pollution control plan, and as part of the plan preparation  
26 process, the county shall hold meetings with the owners and opera-  
27 tors of animal feeding operations in the county. Meetings shall

1 be held to present and discuss information on the nature, extent  
2 and location of animal waste water-pollution problems in the  
3 county; the measures which may be used to correct the problems;  
4 and the government programs available to assist in correcting  
5 these problems. At least one meeting shall be held for each  
6 priority area identified under par. (a). Owners and operators of  
7 animal feeding operations in priority areas, and those in non-  
8 priority areas identified under par. (b), shall be invited to  
9 attend, by means of individual written invitations.

10 (d) Priority rankings. If the owner or operator of an  
11 animal feeding operation which is located in a priority area  
12 identified under par. (a) or which is identified under par. (b)  
13 expresses a willingness to participate in the animal waste grant  
14 program, the county shall rank the operation, along with other  
15 such operations, in priority order on a countywide basis for  
16 receipt of cost-sharing grants under this chapter. Priority rank-  
17 ings shall be set forth in the animal waste water-pollution con-  
18 trol plan, and shall be reviewed and updated annually. Priority  
19 ranking shall be based on the severity of water pollution asso-  
20 ciated with the animal feeding operation, and other factors set  
21 forth in this paragraph. Highest priority shall be given to ani-  
22 mal feeding operations in the county which have been identified by  
23 the department of natural resources under s. NR 243.21 as having  
24 caused the discharge of a significant amount of pollutants to  
25 waters of the state. In establishing other priorities, the county  
26 shall consider:

27 1. Numerical ratings calculated by means of the a.r.s.

1 feedlot model.

2 2. The need for animal waste storage or treatment  
3 facilities, considering other factors such as the availability of  
4 suitable land for the winter spreading of animal waste.

5 3. The probable cost-effectiveness of animal waste storage  
6 or treatment facilities as a means for preventing water  
7 pollution.

8 4. Soil, bedrock, and water table characteristics.

9 5. Relevant information contained in areawide water quality  
10 management plans prepared under ch. NR 121, other water quality  
11 plans prepared by the department of natural resources or areawide  
12 water quality planning agencies, and county agricultural preserva-  
13 tion plans and exclusive agricultural zoning ordinances prepared  
14 under ch. 91, Stats.

15 6. Other information or criteria which may be considered  
16 relevant by the county, if set forth in the animal waste  
17 water-pollution control plan.

18 (e) Remedial measures. Based on information developed under  
19 pars. (a) through (d), the county animal waste water-pollution  
20 control plan shall:

21 1. Identify and evaluate the general alternative measures  
22 which may be used by owners or operators of animal feeding opera-  
23 tions to correct or prevent water-pollution problems. The evalu-  
24 ation of alternatives shall include a general comparison of costs  
25 and benefits. Upon request of the owner or operator of an animal  
26 feeding operation, the county shall recommend specific practices  
27 which may be used to correct or prevent water-pollution problems

1 associated with the operation, and the approximate cost of the  
2 recommended practices.

3 2. Identify and evaluate the measures which may be available  
4 to the county to correct or prevent water-pollution problems  
5 associated with animal feeding operations. Measures may include:

6 a. An application for grant funds under this chapter.

7 b. The adoption of a county ordinance regulating the design,  
8 installation, operation and management of animal waste storage  
9 facilities.

10 c. Amendments to county shoreland zoning ordinances enacted  
11 under s. 59.971, Stats., or county zoning ordinances enacted under  
12 s. 59.97, Stats.

13 d. Application for watershed project funding under the  
14 nonpoint source water-pollution abatement program created under  
15 s. 144.25, Stats.

16 e. Information and education programs.

17 f. Other measures identified by the county.

18 3. Indicate which of the measures the county intends to  
19 implement.

20 (f) Description of plan preparation process. The county  
21 animal waste water-pollution control plan shall describe the spe-  
22 cific process used by the county to comply with the requirements  
23 of this section.

24 (3) DEPARTMENTAL APPROVAL OF COUNTY ANIMAL WASTE WATER-  
25 POLLUTION CONTROL PLANS. County animal waste water-pollution con-  
26 trol plans shall be submitted to the department for review and  
27 approval for compliance with this section. In its review of these

1 plans, the department shall consider typical agricultural prac-  
2 tices, and the costs, needs and technologies of agricultural  
3 production. Prior to approving or disapproving a county plan, the  
4 department shall refer the plan to the land conservation board for  
5 its recommendations on approval or disapproval. If the department  
6 disapproves a county plan, the department shall provide the county  
7 a written explanation of the reasons for disapproval. The county  
8 may revise a disapproved plan and resubmit it to the department  
9 for review and approval.

10 (4) PLAN REVISIONS. A county may revise its animal waste  
11 water-pollution control plan. Plan revisions shall comply with  
12 the requirements of this section.

13 Ag 165.03 COUNTY ORDINANCES. (1) GENERAL REQUIREMENT.  
14 Except as provided under s. Ag 165.05, no county may participate  
15 in the animal waste grant program under this chapter until the  
16 county has adopted an approved ordinance establishing minimum  
17 standards for the design and construction of earthen manure  
18 storage facilities.

19 (2) STANDARDS FOR ORDINANCES. (a) Design and construction  
20 standards. County ordinances shall require that all earthen  
21 manure storage facilities constructed in the county after the  
22 effective date of the ordinance be designed and constructed in  
23 compliance with standards and specifications number 425 of the  
24 technical guide or other standards approved by the department.

25 (b) Administration and enforcement. County ordinances shall  
26 include provisions for administration and enforcement.

27 (3) DEPARTMENT APPROVAL OF ORDINANCES. County ordinances

1 shall be submitted to the department for review and approval for  
2 compliance with this section. In its review of county ordinances,  
3 the department shall consider typical agricultural practices, and  
4 the costs, needs and technologies of agricultural production.  
5 Prior to approving or disapproving a county ordinance, the depart-  
6 ment shall refer the ordinance to the land conservation board for  
7 its recommendation. If the department disapproves a county ordi-  
8 nance, the department shall provide the county with a written  
9 explanation of the reasons for disapproval. The county may amend  
10 a disapproved ordinance and resubmit it to the department for  
11 review and approval.

12 Ag 165.04 ALLOCATION OF FUNDS TO COUNTIES. (1) GENERAL.

13 The department may allocate animal waste grant funds appropriated  
14 under s. 20.866(2)(zp), Stats., to counties, as provided in  
15 s. 92.15, Stats. Funds allocated to the counties under this sec-  
16 tion shall be used for the purposes provided under s. Ag 165.06.  
17 Funds may be allocated only to those counties which have adopted  
18 an approved animal waste water-pollution control plan under  
19 s. Ag 165.02 and an approved ordinance under s. Ag 165.03. Fund  
20 allocations shall be made in compliance with s. Ag 165.06 and this  
21 section.

22 (2) METHOD OF ALLOCATION. Animal waste grant funds shall be  
23 allocated to counties on an annual, or other periodic basis.  
24 Before making a periodic allocation of funds, the department shall  
25 solicit funding applications from all counties qualified under  
26 sub. (1). Funding applications shall be submitted on forms pro-  
27 vided by the department, on or before the deadline date estab-

1 lished by the department. Each funding application shall iden-  
2 tify, by reference to the county animal waste water-pollution  
3 control plan, the projects proposed for funding within the county,  
4 and the relative priority of the proposed projects.

5 (b) For each periodic allocation of funds, the department  
6 shall prepare an allocation plan based on a review of funding  
7 applications submitted by the counties. Before allocating any  
8 funds under the plan, the department shall submit the proposed  
9 plan for review and recommendations by the land conservation  
10 board. The allocation plan shall identify:

11 1. The total amount of funds to be allocated to counties  
12 under the plan.

13 2. Each county to which funds are to be allocated.

14 3. The amount to be allocated to each county. A copy of the  
15 proposed funding contract with each county shall be included with  
16 the allocation plan.

17 4. The basis for the proposed allocation of funds among  
18 counties, based on the allocation criteria under sub. (3).

19 (3) ALLOCATION OF FUNDS AMONG COUNTIES; CRITERIA. In its  
20 allocation of funds among counties, the department shall  
21 consider:

22 (a) The number of animal feeding operations within each  
23 county which are in need of measures to correct or prevent animal  
24 waste water-pollution problems.

25 (b) The relative severity of animal waste water-pollution  
26 problems caused by the animal feeding operations.

27 (c) Other criteria set forth under s. Ag 165.02(2)(d).

1 (4) FUNDING CONTRACTS. No funds may be allocated or  
2 released to a county under this section except under a written  
3 contract between the department and the county. The contract  
4 shall set forth:

5 (a) A description of each project within the county for  
6 which funds are allocated, including an estimate of total project  
7 costs.

8 (b) The maximum amount or cost-share percentage to be paid  
9 to the owner or operator for each project, as determined by the  
10 county under s. Ag 165.06.

11 (c) The respective responsibilities of the department and  
12 the county for implementing the contract. The county agency which  
13 is responsible for implementing the project on behalf of the  
14 county shall be identified.

15 (d) Deadlines for implementing the contract.

16 (e) Other terms and conditions under which the funds are  
17 allocated to the county.

18 Ag 165.05 DIRECT GRANTS BY DEPARTMENT. (1) Pursuant to  
19 s. 92.15(3m), Stats., the department may make cost-share grants  
20 directly to owners or operators of animal feeding operations who  
21 have received a notice of discharge or who are required to apply  
22 for a Wisconsin pollutant discharge elimination system permit  
23 under ch. 147, Stats. The department may make direct cost-share  
24 grants under this section whether or not the county in which the  
25 animal feeding operation is located has an approved animal waste  
26 water-pollution control plan under s. Ag 165.02 or an approved  
27 ordinance under s. Ag 165.03. Direct grants under this section

1 are subject to the provisions of ss. Ag 165.06, Ag 165.07,  
2 Ag 165.08(3)(c) and Ag 165.09. For purposes of a direct grant  
3 under this section, the department shall assume the responsibili-  
4 ties of a county under ss. Ag 165.06, Ag 165.07, Ag 165.08(1)(d)  
5 and (f), Ag 165.08(3)(c), and Ag 165.09.

6 (2) The department may enter into an agreement with a county  
7 under which the county assumes certain responsibilities of the  
8 department under this section. Responsibilities assumed by a  
9 county on behalf of the department may include:

10 (a) Preparation of agreements with owners and operators of  
11 animal feeding operations, as provided under s. Ag 165.07.

12 (b) Certification, under s. Ag 165.05(1)(f) and (3)(c)4,  
13 that waste storage and treatment facilities and runoff control  
14 structures meet the requirements of this chapter.

15 (c) Establishment and maintenance of an accounting and  
16 record keeping system, as provided under ss. Ag 165.08(3)(c) and  
17 Ag 165.09.

18 Ag 165.06 PURPOSES FOR WHICH FUNDS MAY BE ALLOCATED; CONDI-  
19 TIONS AND LIMITATIONS. (1) GENERAL. Funds allocated by the  
20 department to counties under s. Ag 165.04 shall be used by the  
21 counties to finance cost-share grants to individual owners and  
22 operators of animal feeding operations. Individual cost-share  
23 grants shall be used for the construction or repair of animal  
24 waste treatment or storage facilities or permanent runoff control  
25 structures needed to meet water quality objectives. Cost-share  
26 grants may be applied to engineering design costs or construction  
27 costs, or both, to the extent permitted under this section. Indi-

1 individual cost-share grants shall be made under an agreement with the  
2 owner or operator, as provided in s. Ag 165.07. Payments may be  
3 made only upon certification, by a qualified technician, that the  
4 facility or structure has been completed in compliance with the  
5 agreement and this chapter.

6 (2) COST-SHARE GRANTS; GENERAL REQUIREMENTS AND LIMITATIONS.

7 (a) Cost-effectiveness; availability of alternatives. Cost-share  
8 grant amounts to individual owners and operators of animal feeding  
9 operations shall be based on the cost of projects which will have  
10 predictable water quality benefits, and which are cost-effective  
11 for that purpose in comparison to other measures available to the  
12 owner or operator. A determination as to the cost-effectiveness  
13 of a proposed project shall be made by the county. In determining  
14 the cost-effectiveness of a proposed project, the county shall  
15 consider the predicted water quality benefits of the project, the  
16 cost of the project amortized over its expected useful life, and  
17 the practical effects of the project on the animal feeding oper-  
18 ation. Cost-share grants may not be used to finance the design or  
19 construction of animal waste treatment or storage facilities if,  
20 in the absence of the facilities, the waste from the animal feed-  
21 ing operation can feasibly be applied to land, in compliance with  
22 standards and specifications number 633 of the technical guide,  
23 without causing or aggravating a water quality problem.

24 (b) Grant amounts; cost-sharing rates. The amount paid to  
25 an owner or operator of an animal feeding operation under a  
26 cost-share grant shall be based on the cost of the proposed proj-  
27 ect, as determined by the county. The county shall establish

1 standard cost-sharing rates applicable to animal waste storage  
2 facilities, animal waste treatment facilities, and permanent run-  
3 off control structures. The rate for cost-share grants provided  
4 under this chapter may not exceed 70 percent of the total cost for  
5 the design and construction of a project. If a cost-share grant  
6 is made for a project under this chapter, additional cost-share  
7 grants from the county may not exceed 10 percent of the total cost  
8 incurred for the design and construction of the project. The  
9 maximum combined grant from all governmental sources may not  
10 exceed \$10,000.

11 (c) Engineering design costs; grant limitations. A portion  
12 of a cost-share grant may be used to finance engineering design  
13 services needed for the construction or repair of animal waste  
14 storage or treatment facilities, or permanent runoff control  
15 structures, if these design services are provided by a qualified  
16 consulting engineer. Cost-share grants may not be used to finance  
17 engineering design services provided by the county, the United  
18 States soil conservation service or other governmental agencies.  
19 Payments for engineering design services shall be determined by  
20 the county, based on the reasonable cost of the services, but may  
21 not exceed 20 percent of the total cost-share grant. The county  
22 shall inform the owner or operator of the animal feeding operation  
23 that, if a private consulting engineer is used to provide engi-  
24 neering design services, the farmer shall be informed that he or  
25 she is responsible for the portion of the design cost not funded  
26 by the cost-share grant. No payment for engineering design ser-  
27 vices may be made by a county until the county has determined that

1 the structure or facility has been completed in compliance with  
2 applicable standards and specifications set forth in the technical  
3 guide.

4 (3) ANIMAL WASTE STORAGE OR TREATMENT FACILITIES; COST-SHARE  
5 GRANTS. (a) Costs which may be included. Cost-share grants for  
6 animal waste storage or treatment facilities may include payments  
7 for design or construction of the facility, including repair or  
8 reconstruction of existing facilities; for permanent fencing  
9 needed to protect the facility; and for materials and equipment  
10 needed to transport animal waste to the facility as part of an  
11 animal waste management plan. Payments may not be made for:

- 12 1. Portable pumps and other portable equipment.
- 13 2. Buildings or modifications to buildings, unless modifi-  
14 cations to buildings are essential for installation of an animal  
15 waste storage facility.
- 16 3. Equipment for spreading or incorporating animal waste  
17 onto, or into land.
- 18 4. Any portion of an animal waste storage or treatment  
19 facility which is installed under a building, and which forms a  
20 part of a building or its foundation.

21 (b) Standards of design, construction and maintenance.

22 Animal waste storage and treatment facilities shall be:

- 23 1. Of sufficient capacity to store the normal accumulation  
24 of animal waste which may be produced by the animal feeding  
25 operation over a period of at least 30 days.
- 26 2. Designed and constructed in compliance with:
  - 27 a. Standards and specifications numbers 312, 313, 358, 359,

1 382 and 425 of the technical guide.

2 b. Chapter NR 112.

3 3. Maintained for at least 10 years, or until the animal  
4 feeding operation is discontinued.

5 (4) PERMANENT RUNOFF CONTROL STRUCTURES; COST-SHARE GRANTS.

6 (a) Costs which may be included. Cost-share grants for permanent  
7 runoff control structures may include payments for:

8 1. Diversions, gutters, downspouts, collection basins,  
9 filter strips, waterways, outlet structures, conduits, and land  
10 shaping needed to manage runoff from the animal feeding  
11 operation.

12 2. Permanent fencing needed to protect the structures.

13 3. Measures needed to establish perennial grasses, including  
14 fertilizer, mineral and mulch materials.

15 (b) Standards of design, construction and maintenance. Per-  
16 manent runoff control structures shall be designed and constructed  
17 in compliance with applicable standards and specifications of the  
18 technical guide. The structures shall be maintained for at least  
19 10 years, or until the animal feeding operation is discontinued.

20 Ag 165.07 AGREEMENTS WITH OWNERS AND OPERATORS OF ANIMAL  
21 FEEDING OPERATIONS. The county shall enter into an agreement with  
22 every owner or operator of an animal feeding operation who  
23 receives cost-sharing funds under this chapter. The agreement  
24 shall include:

25 (1) The name and address of the owner or operator applying  
26 for cost-sharing funds. If the applicant is an operator other  
27 than the owner, the agreement shall include the name of the owner

1 and be signed by the owner.

2 (2) The specific structures or facilities to be constructed  
3 or repaired.

4 (3) The total estimated costs of design and construction.

5 (4) The percentage of the total cost to be paid by the state  
6 under this chapter.

7 (5) The percentage of the total cost to be paid from other  
8 governmental sources.

9 (6) Time deadlines for constructing the structures and  
10 facilities.

11 (7) A plan for the operation and maintenance of the  
12 structures and facilities.

13 (8) A procedure by which the agreement may be amended.

14 (9) A provision by which the owner or operator of the animal  
15 feeding operation agrees to comply with the requirements of this  
16 chapter, and operate the funded facilities and structures in such  
17 a manner as to avoid water quality problems. Animal waste storage  
18 and treatment facilities shall be operated so as to prevent spills  
19 or leakage from the facility.

20 (10) A provision whereby the owner or operator agrees to  
21 repay the cost-sharing funds if the structures or facilities are  
22 not properly maintained or are not operated in a manner so as to  
23 avoid water quality problems. Repayment of grant funds shall not  
24 be required if a structure or facility is rendered ineffective  
25 during the required maintenance period under s. Ag 165.06 due to  
26 circumstances beyond the control of the grant recipient.

27 (11) A provision whereby the owner or operator agrees to

1 repay the cost-sharing funds in the event of a change in ownership  
2 during the required maintenance period under s. Ag 165.06. The  
3 recipient of cost-sharing funds shall not be required to repay the  
4 funds if the new owner agrees in writing to maintain and operate  
5 the structures or facilities in substantial compliance with the  
6 cost-sharing agreement and this chapter.

7 Ag 165.08 RESPONSIBILITIES OF THE COUNTY. (1) The county  
8 is responsible for local administration of the animal waste grant  
9 program. County responsibilities include:

10 (a) Preparation of county animal waste water-pollution  
11 control plans under s. Ag 165.02.

12 (b) Adoption and enforcement of ordinances required under  
13 s. Ag 165.03.

14 (c) Designation of a county agency or agencies responsible  
15 for program administration, including designation of a lead agency  
16 if more than one agency is made responsible for program adminis-  
17 tration. The department recommends designation of the land  
18 conservation committee as the lead agency.

19 (d) Approval of projects and expenditures under the program,  
20 subject to any required approval by the department under this  
21 chapter.

22 (e) Coordination of the program with local, state and  
23 federal cost-sharing programs.

24 (f) Technical assistance, including:

25 1. Preparation of agreements with owners and operators of  
26 animal feeding operations, as provided under s. Ag 165.07.

27 2. Certification that waste storage and treatment facilities

1 and runoff control structures meet the requirements of this  
2 chapter and the technical standards of the county.

3 (2) In the exercise of its authority under this chapter, the  
4 county shall consider typical agricultural practices, and the  
5 costs, needs and technologies of agricultural production. The  
6 county agency designated under par. (1)(c) shall refer, for  
7 review, all county animal waste water-pollution control plans and  
8 ordinances prepared under this chapter to the county committee on  
9 agriculture and extension education created under s. 59.87(2),  
10 Stats.

11 (3) The county shall establish and maintain a complete  
12 accounting and record keeping system which shall include:

13 (a) Separate accounts of all funds allocated to the county  
14 by the department under s. Ag 165.04, including a record of all  
15 receipts and expenditures, and the current account balance.

16 (b) Complete accounting records showing all animal waste  
17 grant funds received or administered by the county, from whatever  
18 source; all expenditures made or committed by the county; and all  
19 account balances.

20 (c) A complete file prepared for each agreement under which  
21 funds are paid or committed to an owner or operator of an animal  
22 feeding operation. The file shall include:

23 1. The application by the owner or operator of an animal  
24 feeding operation for cost-sharing funds or technical assistance.

25 2. A record of approval, if the agreement is approved by the  
26 county. A record of approval shall be filed before the agreement  
27 is signed.

1           3. The original copy of the agreement, signed by the  
2 parties.

3           4. A record of technical referral, and certification by a  
4 qualified technician that the facility or structure has been com-  
5 pleted according to the agreement. Certification shall be filed  
6 prior to payment.

7           5. Authorization by the county for the release of  
8 cost-sharing payments. A record of the authorization shall be  
9 filed prior to payment.

10          (4) The county shall submit an annual accounting of  
11 expenditures to the department by July 31 of each year.

12          (5) The county may contract for the performance of specified  
13 administrative and accounting tasks, subject to oversight by the  
14 county.

15          Ag 165.09 RECORDS AND AUDITS. (1) The county shall main-  
16 tain records and documents for the duration of the maintenance  
17 period required for the structure or facility under s. Ag 165.06.

18          (2) The department may conduct such fiscal and program  
19 audits as it deems necessary, including interim and final audits  
20 on funded projects. Audits may include a physical inspection of  
21 structures and facilities financed with state funds, as necessary  
22 to determine consistency with program goals and standards.

23          Ag 165.10 INTERDEPARTMENTAL COORDINATION. The department  
24 shall enter into an agreement with the Wisconsin department of  
25 natural resources to coordinate the animal waste grant program  
26 with related programs and rules of the department of natural  
27 resources.

