



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-1821/P1  
MCP:wlj

DOA:.....Frederick, BB0332 - Transfer CAFO oversight from DNR to DATCP  
**FOR 2017-2019 BUDGET -- NOT READY FOR INTRODUCTION**

AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

**WATER QUALITY**

This bill requires DNR and DATCP to conduct a study and make recommendations on transferring the regulation of concentrated animal feeding operations (CAFOs) from DNR to DATCP. The departments may consult with interested parties in conducting the study and must submit a joint report to the governor, JCF, and appropriate standing committees of the legislature by December 31, 2018. Under the bill, the departments must state in the report whether DATCP may act as the federal EPA's delegated agent in regulating CAFOs, whether improvements would result from the transfer, and whether there would be a financial impact on the water pollutant discharge elimination system (WPDES) permit program. If in the report the departments recommend the transfer, the departments must also recommend in the report an effective date for the transfer and the number of positions and funding to be transferred and must describe how rules promulgated by DNR and DATCP will be affected.

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

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

**SECTION 9133. Nonstatutory provisions; Natural Resources.**

(1) CONCENTRATED ANIMAL FEEDING OPERATIONS. The department of natural resources and the department of agriculture, trade and consumer protection shall study the possibility of transferring the regulation of concentrated animal feeding operations from the department of natural resources to the department of agriculture, trade and consumer protection. The departments may consult with interested parties when undertaking the study under this subsection. The departments shall jointly report their findings, conclusions, and recommendations to the governor, the joint committee on finance, and the appropriate standing committees of the legislature by December 31, 2018. In the report the departments shall state whether the department of agriculture, trade and consumer protection may serve as the delegated agent of the federal environmental protection agency for the purpose of regulating concentrated animal feeding operations, whether improvements would be gained by the transfer, whether the transfer would have any financial impacts on the water pollutant discharge elimination system permit program, and whether the departments recommend the transfer. If the departments recommend that regulation of concentrated animal feeding operations be transferred, the departments shall also include in the report recommendations as to the effective date of the transfer and the number of positions and funding to be transferred and shall describe the effects of the transfer on rules promulgated by the departments.

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