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CONCENTRATED ANIMAL FEEDING OPERATIONS

In recent years, several large-scale concentrated animal feeding operations (CAFOs) have investigated the possibility of opening modern, large-scale feedlots in Wisconsin. These proposals have raised concerns about the environmental effects of such facilities and questions about existing state regulations.

CURRENT WISCONSIN REGULATION

State law currently requires animal feedlots with a capacity exceeding 1,000 animal units to meet standards set by the Department of Natural Resources (DNR) in Wisconsin Administrative Code Chapter NR 243. An animal unit is defined as equivalent to one head of beef or slaughter cattle weighing more than 1,000 pounds. In the case of other types of animals, the DNR specifies the number it considers equivalent to 1,000 animal units.

NR 243 requires that these large feedlots obtain a DNR water polluting discharge permit and follow guidelines set forth by the DNR and the federal Natural Resources Conservation Service. For example, they must design permanent runoff structures, based on the maximum 24-hour rainfall likely to occur in their particular county over a 25-year period. They must submit an animal waste management plan that the DNR evaluates on the basis of soil conditions, the potential impact on state waters, the volume of waste material, storage capacity, and nutrient requirement of crops to be fertilized with the waste. The animal waste storage facilities must meet state requirements, and earthen lined storage facilities must be inspected by the DNR before they can be utilized.

The DNR also may perform onsite investigations at smaller animal feedlots to check for unacceptable practices in handling animal waste. The DNR gives notice to the operation when it finds that significant amounts of pollutants are being discharged into nearby waters. If corrective measures are not implemented, the operation will be required to follow the permit and design requirements normally applied to large feedlot operations.

1997 Wisconsin Act 27 created new water quality protection requirements for agricultural operations in Section 281.16, Wisconsin Statutes. The DNR and the Department of Agriculture, Trade and Consumer Protection (DATCP) must prescribe performance standards and bar certain agricultural practices in order to limit nonpoint source pollution. The administrative rules, which are scheduled for release in draft form in Spring 2000, will cover animal waste management, nutrients applied to the soil, and cropland sediment delivery. The departmental regulations must place limitations on manure piles; prohibit direct runoff from feedlots or manure storage facilities; and limit access to waters by high concentrations of animals. The water quality rules are only applicable to preexisting agricultural operations if the owner is eligible for a grant to cover at least 70% of the cost of compliance.

CAFO REGULATIONS IN OTHER STATES

States where CAFOs are more common have already explored a number of regulatory methods to minimize their environmental impact. These techniques are summarized below along with key states that have implemented them:

Setback requirements. Require that animal feeding operations or waste facilities be placed a minimum distance from certain structures or entities, such as dwellings, wells, schools, or incorporated areas. (Iowa, Kansas, Oklahoma)

Engineering standards. Set requirements on minimum capacities, specified configurations, and liner standards for waste facilities. (Iowa, Kansas, Nebraska)

Permit requirements. Require facilities to meet certain standards in order to obtain permits to operate. Permits are usually issued by the state's environmental regulatory agency, which has the power to revoke the permit as a punishment for subsequent violations of standards. (Iowa, Kansas, Minnesota, Nebraska)

Local regulatory authority. Give local governments the power to impose regulations that are stricter than state standards. (Minnesota)

Certification and bonding. Require animal waste handling technicians to be certified and bonded. (Iowa, Minnesota, Oklahoma)

Civil and criminal penalties. Make CAFOs liable to criminal and civil sanctions for illegal operations and any resulting damage. (Kansas, Nebraska, South Dakota)

Indemnity fund. Levy special fees or place permit revenue in an indemnity fund to be used by state or local governments for cleanup costs arising from CAFOs. (Iowa)

Odor abatement plan. Require CAFOs to submit a plan for minimizing odors. (Oklahoma)

FURTHER INFORMATION

For information about the rules being developed to implement 1997 Wisconsin Act 27, contact Tom Bauman at the Department of Natural Resources (608) 266-9993. For copies of the regulations cited above contact Michael Keane of the Legislative Reference Bureau at (608) 266-0346.