

Appendix B

Request for Modification of a Local Approval



Wisconsin Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive
P.O. Box 8911
Madison, WI 53708-8911
(608) 224-4630
(608) 224-4500

Introduction

Use this form to request a modification of a local approval (“permit”) previously issued for a *new* or *expanded* livestock facility (cattle, swine, poultry, sheep or goats). Successive modifications of a local approval are permissible

You must meet eligibility requirements to request a modification of your local approval. You may not request a modification under any of these conditions:

- A livestock facility cannot use one or more modifications to increase the number of animal units by 30 percent or more above the maximum number authorized in the most recent full approval.
- The changes to the livestock facility require the completion of four or more worksheets to secure approval.

You may request a permit modification if your proposal fits into the following scenarios:

- Addition of animals, no construction of livestock structures, and increase land base for a nutrient management plan.
- Addition of animals, no construction, addition or change in odor control practices, and increase land base for a nutrient management plan.
- Addition of animals; construction or expansion of any two of structures-- housing, waste storage or transfer, or animal lots; and increase land base for a nutrient management plan.
- No addition of animals, and construction or expansion of any number of structures including housing, waste storage or transfer, or animal lots.
- No addition of animals, and addition or change in an odor control practice

A political subdivision may review and approve modification requests that vary from these scenarios as long as the requests do not violate the basic eligibility requirements.

Completing the Request

A livestock operator requests a permit modification by completing the request form and attaching the required application materials. As part of completing the request form, you must verify that the proposed expansion of the livestock meets the eligibility requires for a permit modification. You also must provide information related to the most recent full approval you received from the permitting authority including the number of maximum animal units authorized by the local approval. Your most recent full approval refers to a local approval based on the submission of a full application and approval under the procedures in subch. III of ATCP 51 (see ss. ATCP 51.30 through 51.36). In addition, you will need to account for previous modifications to your most recent full approval.

Your request must include all relevant worksheets from Appendix A, documenting that the livestock facility, as modified, will maintain compliance with the standards in subch. II of ATCP 50.

The permitting authority may request that you provide additional documentation showing that you meet any local standards adopted in their ordinance. A local government has *very limited* authority to modify the standards by local ordinance (modifications, if any, must be reflected in the local version of this application form).

Maps

You must submit updated area and site maps if there are changes in structures, buildings or other physical characteristics involving the place where your livestock facility is located. Indicate any changes by marking up the original map submissions you provided with your most recently approved full application for a permit for a new or expanded livestock facility.

If you are increasing land for spreading manure, you will need to submit additional maps showing the owned and rented land where manure will be applied (see Worksheet 3).

Plan submissions

You need to submit an *Odor Management Plan* if you do not have a plan on file that meets the new standard. You may also need to submit a modified *Employee Training Plan* if you have made changes in your operation that require an update. You should review your *Environmental Incident Response Plan* to determine if it is current.

Narrative

Complete a short narrative describing the proposed changes. The narrative should describe the changes that appear on the site and area maps and describe the operation's management of manure.

Worksheets

Complete and submit all relevant worksheets that apply to your modification request, following the instructions on each worksheet (except for the differences noted below):

Animal units (worksheet 1)

You must complete this worksheet if your proposal includes the addition of animal units. You must specify the maximum number of *animal units* that you will keep at a new or expanded livestock facility. If the local government approves your requested number, this will be the maximum number that you may keep for 90 days or more in any 12-month period.

Odor management (worksheet 2)

You must submit this worksheet but you are only required to complete what is needed based on the livestock structures that are part of the livestock facility. At minimum, worksheet 2 should be completed to document the surface area of existing manure storage structures and certain housing types. (This will allow you the right of limited expansion of these facilities without adding odor control practices if these facilities are located within required setbacks.) If manure storage structures or certain housing structures are being built within setback requirements (see Charts 2 and 3 of Worksheet 2), worksheet 2 must be completed to claim setback reductions. A livestock operator may submit a permit modification to voluntarily adopt the new standard for odor management. Note: Odor management plans may be required, in addition to worksheet (see question # 11).

Waste and nutrient management (worksheet 3)

You must complete this worksheet if your proposal requires that you increase the land base for spreading manure as a result of an increase in animal units. You will need to include an updated nutrient management plan checklist that covers the manure generated from the maximum number of animal units authorized under your siting permit, as modified.

Waste storage facilities (worksheet 4)

You must complete this worksheet if your proposal includes the construction or expansion of manure storage, waste transfer or other waste storage structures. You may be required to evaluate existing structures that have not been addressed in earlier applications.

Runoff management (worksheet 5)

You must complete one or more parts of this worksheet depending on the nature of the changes you are making to your livestock operation. For example, if you are only expanding an animal lot, then parts A and E need to be completed. You do not need to complete the parts that pertain to process wastewater, feed storage, milking center waste runoff system. Use the request for modification form to indicate which parts you completed.

If the Wisconsin Department of Natural Resources (*DNR*) has issued a Wisconsin Pollutant Discharge Elimination System (*WPDES*) permit for your proposed livestock facility, you may provide a certification and supporting documentation in lieu of completing worksheets 3, 4 and 5 if you meet the requirements for substitution. A *WPDES* permit does not affect the requirements for completing worksheets 1 and 2.

Fees

The fee for a permit modification cannot exceed \$500. A local government may NOT charge any other fee, or require you to post any bond or security.

Review Process

As an alternative to submitting a full application for approval, a request for modification offers a streamlined process for updating a permit issued for your facility. There are fewer procedures to follow and a local government must grant or deny a request for a permit modification within 45 days after it receives the request. Permit modifications do not include procedural protections required when livestock operator submits a full application using Appendix A. In particular, permit modifications do not include a completeness determination and a presumption of compliance with siting standards that arise based on a completeness determination.

If the permit modification request is approved, a local government must indicate its approval in the section on the request form reserved for permitting authority to complete. The local government must provide a copy of the approved application, marked "approved."

Appeal of Local Decision

If you do not agree with local decision on your permit request, you may file a full application with the local government, and gain the protection of a completeness determination and possible hearing. You also may have appeal rights regarding the decision on your modification request; however, it is not clear that Livestock Facility Siting Board will have jurisdiction.



**Wisconsin Department of
Agriculture, Trade and
Consumer Protection**

2811 Agriculture Drive, PO Box 8911,
Madison WI 53708-8911
Phone: (608) 224-4622 or (608) 224-
4500

Request for Modification of Local Approval

Wis. Adm. Code ch. ATCP 51

Permitting Authority Completes

Date Request Received: __/__/__

Confirm Applicant Submissions:

Date of Most Recent Full Approval: __/__/__

Maximum AUs approved: _____

Modification Dates (complete all that apply): __/__/__
__/__/__,

Date Notice Sent to Adjacent Landowners: __/__/__

Date of Decision Regarding

Modification Request: __/__/__

Decision:

Approved with conditions:

Denied

1. Legal Name of Applicant (Business Entity):

2. Contact Individual:

Name:

Phone:

E-mail:

3. Business Address:

Street Address:

City/Village/Town:

County:

State:

Zip:

5. Description of Proposed Livestock Facility

Address of Livestock Facility:

5. Eligibility

The applicant verifies that the livestock facility is not ineligible for permit modification for either of these reasons:

- The proposed changes to the livestock facility, in combination with prior modifications, will not increase the number of animal units by 30 percent or more above the maximum number authorized in the most recent full approval issued by the political subdivision.
- The changes to the livestock facility do not require that the operator complete four or more worksheets to secure approval.

6. Permit Approval and Modifications

Date of most recent full approval: __/__/__

Permit number or identifier: _____

Maximum number of animal units authorized at time of full approval: _____ AUs

First modification approved (check only if applies)

Date of modification: __/__/__

Second modification approved (check only if applies)

Date of modification: __/__/__

Third modification approved (check only if applies)

Date of modification: __/__/__

Application (continued)

7. Total Animal Units

If you are adding animal units, use **worksheet 1** to calculate total animal units:

Total Animal Units: _____. This is the maximum livestock facility size for which the applicant requests approval at this time. All worksheets must be prepared based on this maximum listed size.

8. Area Map of Livestock Facility

If livestock structures are modified or added, update the scale map or aerial photo submitted with your most recent application for full approval. The updated map or photo must retain the scale and topographic lines of the original map submitted by the livestock operator, and clearly and legibly show all of the following:

- All existing and proposed livestock structures. Label each livestock structure with a unique identifier that includes a description of the structure type (waste storage, housing, lot, feed storage, waste transfer system), and indicates whether the structure is proposed (new or altered). For example, use the identifier “proposed waste storage 2” to indicate that a waste storage structure is new and the second of a certain number of manure storage structures at the facility. The structure must be listed by its unique identifier in all relevant worksheets.
- The area lying within 2 miles of any of the livestock structures. Show all existing buildings, property lines, roadways, and navigable waters within that area.

9. Site Map of Livestock Facility

If livestock structures are modified or added, update the scale map or aerial photo submitted with your most recent application for full approval. The updated map or photo must retain the scale and topographic lines of the original map submitted, and clearly and legibly shows all of the following:

- All existing and proposed livestock structures. Label each livestock structure with a unique identifier that includes a description of the structure type (waste storage, housing, lot, feed storage, waste transfer system), and indicates whether the structure is proposed (new or altered). For example, “waste storage 1” would identify that a waste storage structure is existing and the first of a certain number of waste storage structures at the livestock facility. Include the unique identifier for each structure, when completing all relevant worksheets.
- The area lying within 1,000 ft. of any of the livestock structures. Show all existing buildings, property lines, roadways, navigable waters, and known karst features within that area.

10. Location of new or modified Livestock Structures

The applicant certifies that:

- All livestock structures comply with applicable local property line and road setbacks. See ATCP 51.12(1). **Note:** *Includes storage structures designed, constructed and operated to collect non-manure waste.*
- All manure storage and housing structures (applies only to category 1 and 2) comply with setbacks in ATCP 51.12(2). **Note:** *Odor control practices documented in Worksheet 2 may reduce setbacks.*
- All livestock structures comply with applicable local shoreland, wetland, and floodplain zoning ordinances (copies available from local government).
- Wells comply with the Wisconsin well code (NR 811 and 812). New or substantially altered livestock structures are separated from existing wells (including neighbors’ wells) by setback distances required in NR 811 and 812.

Application (continued)

11. Plans

Check all the following boxes that apply if you are submitting a modified or new plans. The plans must meet the requirements under each of the three sections.

Employee Training Plan

Applicant determines plan contents, as long as the plan identifies all of the following:

- Training topics including, at a minimum, nutrient management, odor management, manure management and waste handling, maintenance of odor control practices, runoff management, and environmental incident response. (Training on employee safety should be included in these topics)
- The number and job categories of employees to be trained.
- The form and frequency of training, which at a minimum must include a plan for at least one training per year.
- Training presenters (these may include *livestock facility* managers, consultants or professional educators).
- A system for taking and recording attendance.
- A system for documenting and retaining records of completed trainings (Permitting authorities may request to inspect these records).

Environmental Incident Response Plan

Applicant determines plans contents, as long as the plan identifies all of the following:

- Types of environmental incidents covered. These must include, at a minimum, overflows and spills from waste storage facilities, catastrophic system failures, manure spills during transport and application, movement of manure during or after application, catastrophic mortality disposal emergency, and odor complaints.
- The name and business telephone number of at least one individual who will handle public questions and concerns related to environmental incidents.
- The names and telephone numbers of first responders (e.g. DNR, fire departments, excavation contractors)
- Incident response procedures, including emergency response, recordkeeping and reporting requirements.
- A system for documenting and retaining records involving environmental incidents. (Permitting authorities may request to inspect these records).

Odor Management Plan (submit if you do not have a plan on file that meets the new standard)

Odor management plans required if the livestock facility has manure storage located within 600 feet of any property line or animal housing located within 400 feet of any property line.

- The plan shall identify management practices that the livestock facility must follow to control odor from each manure storage structure and livestock housing located within the separation distances. The plan may include odor control practices identified in a local approval granted before [the effective date of this rule revision].
- In the case of a new or expanded manure storage structure and livestock housing that cannot be constructed without odor control practices to reduce setback requirements, the operator may reference Worksheet 2 in place of describing the odor control practices in the plan.
- The plan also may include practices to reduce dust, practices to reduce odor from nearby livestock structures such as animal lots, practices used to reduce odor from dead animals, activities to reduce community conflict, and water conservation practices that control odor.

12. Narrative

Include a narrative describing the new or expanded livestock facility, including the new or altered livestock structures using unique identifiers and the manure management system that will be implemented at the facility.

13. Worksheets

Check each of the following worksheets that are submitted with this application:

Worksheet 1 – Animal Units.

Worksheet 2 – Odor Management. This must be submitted, regardless of changes to the livestock operation, unless you previously submitted a worksheet meeting the new standard.

Worksheet 3 – Waste and Nutrient Management. If you meet the requirements for an exemption, check the appropriate box on this worksheet, and provided necessary documentation and certification with this application.

Worksheet 4 – Waste Storage Facilities. If you meet the requirements for an exemption, check the appropriate box on this worksheet, and provided necessary documentation and certification with this application.

Worksheet 5 – Runoff Management. If you meet the requirements for an exemption, check the appropriate box on this worksheet, and provided necessary documentation and certification with this application.

Check all parts that you must complete based on the changes in your livestock operation:

Part A: Animal Lots

Part B: Process Wastewater

Part C: Feed Storage

Part D: Milking Center Wastewater

Part E: Nonpoint Pollution Standards

Authorized Signature:

I (we) certify that the information contained in this application (including worksheets and all attachments) is complete and accurate to the best of my knowledge.

Signature of Applicant # 1 or Authorized Representative #1

Date

Print Name

Title

Signature of Applicant # 2 or Authorized Representative # 2

Date

Print Name

Title