

## Comments Received

Naomi Bernstein – Insight FS

Alexander Clark – Insight FS

James Matson

Robert Pofahl – Resource Engineering Associates, Inc

Kellercrest Registered Holsteins, Inc

## Curran, Connie

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**From:** Hicklin, Laura  
**Sent:** Friday, December 14, 2018 3:08 PM  
**To:** Curran, Connie  
**Subject:** FW: Comments on Dane County Code of ordinances, Agricultural Performance Standards and Manure Management  
**Attachments:** image001.jpg; ATT00001.htm; 2018 OA-028 - 2018 OA-028.pdf; ATT00002.htm

**From:** Kolar, Mary  
**Sent:** Wednesday, December 12, 2018 4:35 PM  
**To:** Hicklin, Laura  
**Cc:** Ritt, Michele; McCarville, Maureen; Jones, Nikole; Pamela Porter; Corrigan, Sharon  
**Subject:** Fw: Comments on Dane County Code of ordinances, Agricultural Performance Standards and Manure Management

Hello Laura,

Please see the attached and below.

I regret I won't be able to be at the meeting tomorrow night.

Mary

Mary M. Kolar

Supervisor

District 1

[kolar.mary@countyofdane.com](mailto:kolar.mary@countyofdane.com)

Begin forwarded message:

**From:** "Bernstein, Naomi (Insight FS)" <[nbernstein@insightfs.com](mailto:nbernstein@insightfs.com)>  
**Date:** December 12, 2018 at 15:57:33 CST  
**To:** "[mccarville.maureen@countyofdane.com](mailto:mccarville.maureen@countyofdane.com)" <[mccarville.maureen@countyofdane.com](mailto:mccarville.maureen@countyofdane.com)>, "[ritt.michele@countyofdane.com](mailto:ritt.michele@countyofdane.com)" <[ritt.michele@countyofdane.com](mailto:ritt.michele@countyofdane.com)>, "[jones.nikole@countyofdane.com](mailto:jones.nikole@countyofdane.com)" <[jones.nikole@countyofdane.com](mailto:jones.nikole@countyofdane.com)>  
**Subject:** Comments on Dane County Code of ordinances, Agricultural Performance Standards and Manure Management

Dear Ms. McCarville, Ms. Ritt, and Ms. Jones,

My name is Naomi Bernstein. I am a resident of Dane County District 22, a Professionally Licensed Agricultural Engineer, and Certified Crop Advisor. I greatly appreciate Dane County's efforts to update the manure storage and management ordinance to align it with Wisconsin Ag Performance Standards and Regulations. I attended the information meeting on the proposed ordinance changes on Monday night. I have the following comments/concerns on the ordinance (I attached the draft ordinance with the numbered lines that I reference in my comments).

- Definitions 10 (a) and 10 (c) appear to be saying the same thing in a slightly different manner. (Lines 154-155 and 158-159)

- Line 412 – this is already defined (as existing vs new) in Definition #20. But also is very confusing, as a manure basin built in 2003 considered “new”?
- Lines 413 and 414 – This has already been defined in Lines 195-204.
- Lines 418-424 – The way this section is written, it states that all three conditions (a-c) must be met. My understanding is that only ONE of those three conditions should be met as a Condition for Retention. Please clarify this section.
- Lines 548-577 – I understand that this section brings the county into line with ATCP 51.12(2), which references the definition of a waste storage structure in ATCP 51.01(44). In ATCP 51.01(44) “a waste storage structure does not include (a) A structure used to collect and store waste under a livestock housing facility Or (b) A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.” I would ask that Dane County bring their ordinance into alignment with ATCP 51 and allow underbarn waste storage facilities to be allowed closer than the 350’ setback. This will reduce the variances requested for reception tanks and manure transfer systems located within animal housing facilities.
- Line 662 – A contractor should not be included in the certification that a new facility was installed as planned. This is NOT a standard practice. Further definition of contractor (excavator vs. concrete vs. building) would be necessary and cause undue confusion.
- Lines 670-671 – Clear definition of “final verification” is needed. Now that manure transfer systems are included in the manure permitting process, with a farm expansion it is not possible for a farm to wait for “final verification” to start using the system. This line should be removed.
- Lines 720-778 – By including both Liquid and Solid manure applications to have a Winter Spreading Permit, I am concerned about the cost of the implementation of this to taxpayers and overtaxing the Dane County Land and Water Resources Staff. If a winter application plan must be submitted annually by October 15 to the department this could overload the staff.
- Lines 801-808 – Granting blanket permission to any lands affected by this chapter opens up many fields that are simply included in a nutrient management plan for inspection. This section does not state that a landowner or permittee should be notified of an inspection, and notification should be included.

Thank you for your time and consideration. I am not able to attend tomorrow night’s committee meeting to present my concerns in person. If you have any questions on my comments, please reach out and I will respond as quickly as I am able.

Regards - Naomi

**Naomi Bernstein, PE, CCA** | Agricultural Engineer | C: 608.482.2508  
Insight FS, A Division of GROWMARK, Inc. | 814 Lewellen St. Marshall, WI 53559

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient, please notify the sender immediately.

## Minks, Kyle

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**From:** Piaget, Amy  
**Sent:** Thursday, December 13, 2018 4:16 PM  
**To:** Esser, Shawn; Ebel, Seth; Minks, Kyle; Ottelien, Steven  
**Subject:** FW: Comments on Dane County Code of ordinances, Agricultural Performance Standards and Manure Management  
**Attachments:** 2018 OA-028 - 2018 OA-028.pdf

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**From:** Hicklin, Laura  
**Sent:** Thursday, December 13, 2018 4:14 PM  
**To:** 'Alana Yevzlin' <alana.yevzlin@gmail.com>; 'Angela Moreno-Lopez' <ammorenolope@madison.k12.wi.us>; Chawla, Yogesh <Chawla.Yogesh@countyofdane.com>; Downing, J Patrick <Downing@countyofdane.com>; Jones, Nikole <Jones.Nikole@countyofdane.com>; Levin, Jeremy <levin.jeremy@countyofdane.com>; 'Nikki Jones' <Nikki4dane@gmail.com>; Reimer, John <Reimer.John@countyofdane.com>; Ritt, Michele <Ritt.Michele@countyofdane.com>; Chenoweth, Carl <Chenoweth.Carl@countyofdane.com>; 'Kay Hoffman' <skhoff@msn.com>; Ottelien, Steven <Ottelien@countyofdane.com>; Piaget, Amy <Piaget.Amy@countyofdane.com>; 'Allan Levin' <allanlev@gmail.com>; Balousek, Jeremy <balousek@countyofdane.com>; Ripp, David <Ripp.david@countyofdane.com>; Erickson, Chuck <Erickson.chuck@countyofdane.com>; 'Lyle Updike' <heartstone@hughes.net>; 'Maria del Carmen Moreno Ph.D.' <mdmoreno@wisc.edu>; Kolar, Mary <Kolar.Mary@countyofdane.com>; McCarville, Maureen <McCarville.Maureen@countyofdane.com>; 'Pam Porter' <porterApamela@gmail.com>; 'Rebecca Power' <powerebecca@gmail.com>; Reimer, John <Reimer.John@countyofdane.com>; Sandford, Susan <Sandford.Susan@countyofdane.com>; 'Susan West' <swest.dist6@gmail.com>  
**Subject:** FW: Comments on Dane County Code of ordinances, Agricultural Performance Standards and Manure Management

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**From:** Pat Downing [<mailto:downhome@tds.net>]  
**Sent:** Thursday, December 13, 2018 3:20 PM  
**To:** Hicklin, Laura  
**Subject:** Fw: Comments on Dane County Code of ordinances, Agricultural Performance Standards and Manure Management

Hi Laura,  
Please forward this to EANR & L/W Comm members.  
And see that it's included with public comments in the minutes.  
Thank you,  
Pat

**From:** Clark, Alexander (Insight FS)  
**Sent:** Thursday, December 13, 2018 1:46 PM  
**To:** [ripp.david@countyofdane.com](mailto:ripp.david@countyofdane.com) ; [downing@countyofdane.com](mailto:downing@countyofdane.com) ; [jones.nikole@countyofdane.com](mailto:jones.nikole@countyofdane.com) ; [ritt.michele@countyofdane.com](mailto:ritt.michele@countyofdane.com)  
**Subject:** Comments on Dane County Code of ordinances, Agricultural Performance Standards and Manure Management

Dear Ms. Jones, Ms. Ritt, Mr. Downing, and Mr. Ripp,

My name is Alex Clark, I am a Certified Crop Advisor and Nutrient Management Specialist who works in western Dane county. I attended the informational meeting on the proposed ordinance changes held on Monday the 10<sup>th</sup> at the Town of Springfield town hall. While I understand the ordinance is intended to bring Dane County in to compliance with the Wisconsin Ag Performance Standards and Regulations I have some comments/concerns on the proposed ordinance. I have attached the draft ordinance, so you will be able to refer to the numbered lines that I have referenced.

- Lines 681-715 are incredibly vague. There is no timeline for when manure storage facilities are out of date, and there is no mention of how long Certificates of Use permits are valid. It doesn't seem like there is a grace period to phase this ordinance in to affect. It appears until LandCon can issue a certificate, growers could be in violation if the manure storage facility on the farm is older and hasn't been inspected for a Certificate of Use. Is there potential for growers to be reported and told to cease and desist using the manure storage until they can get a Certificate of Use?
- Lines 726-732 refer to having a winter spreading plan in place before October 15<sup>th</sup> while Nutrient Management Plans are not due until June 1<sup>st</sup> of the next year, i.e. winter spreading plans for the winter of 2018-2019 would need to be written by October 2018 and the same NMP would not be required to be submitted until June 1<sup>st</sup> of 2019. Therefore, having a NMP as an application for a winter spreading permit would not be accurate, would require more work from the staff of LandCon, growers, agronomist and anyone else associated with submitting plans in a timely and accurate manner.
- Lines 811-843 refer to variances for issues in this code but do not refer to 49.16 dealing with certificate of use permits which should be included in case the manure facility is found to be in violation. The lack of inclusion of 49.16 does not allow a path of recourse for the farm operators to appeal a decision.
- 49.24 Appeals are placed in the hands of the committee and not moved up to a higher entity such as the DNR or NRCS is concerning since the committee would not be an unbiased judge.

**Alex Clark CCA**  
Nutrient Management Specialist  
9119 Hwy 19, Mazomanie, WI 53560  
(608) 482-3422  
[aclark@insightfs.com](mailto:aclark@insightfs.com)



## Minks, Kyle

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**From:** Piaget, Amy  
**Sent:** Thursday, December 13, 2018 4:17 PM  
**To:** Ottelien, Steven; Minks, Kyle; Esser, Shawn; Ebel, Seth  
**Subject:** FW: Dane County Ordinance  
**Attachments:** Comments on Dane County Ordinance.docx; ATT00001.htm

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**From:** Hicklin, Laura  
**Sent:** Thursday, December 13, 2018 4:15 PM  
**To:** 'Alana Yevzlin' <alana.yevzlin@gmail.com>; 'Angela Moreno-Lopez' <ammorenolope@madison.k12.wi.us>; Chawla, Yogesh <Chawla.Yogesh@countyofdane.com>; Downing, J Patrick <Downing@countyofdane.com>; Jones, Nikole <Jones.Nikole@countyofdane.com>; Levin, Jeremy <levin.jeremy@countyofdane.com>; 'Nikki Jones' <Nikki4dane@gmail.com>; Reimer, John <Reimer.John@countyofdane.com>; Ritt, Michele <Ritt.Michele@countyofdane.com>; Chenoweth, Carl <Chenoweth.Carl@countyofdane.com>; 'Kay Hoffman' <skhoff@msn.com>; Ottelien, Steven <Ottelien@countyofdane.com>; Piaget, Amy <Piaget.Amy@countyofdane.com>; 'Allan Levin' <allanlev@gmail.com>; Balousek, Jeremy <balousek@countyofdane.com>; Ripp, David <Ripp.david@countyofdane.com>; Erickson, Chuck <Erickson.chuck@countyofdane.com>; 'Lyle Updike' <heartstone@hughes.net>; 'Maria del Carmen Moreno Ph.D.' <mdmoreno@wisc.edu>; Kolar, Mary <Kolar.Mary@countyofdane.com>; McCarville, Maureen <McCarville.Maureen@countyofdane.com>; 'Pam Porter' <porterApamela@gmail.com>; 'Rebecca Power' <powerebecca@gmail.com>; Reimer, John <Reimer.John@countyofdane.com>; Sandford, Susan <Sandford.Susan@countyofdane.com>; 'Susan West' <swest.dist6@gmail.com>  
**Subject:** FW: Dane County Ordinance

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**From:** James Matson [<mailto:matsonjk1022@gmail.com>]  
**Sent:** Thursday, December 13, 2018 1:52 PM  
**To:** Hicklin, Laura  
**Subject:** Fwd: Dane County Ordinance

Hi Laura - Copying you. - Jim Matson

Begin forwarded message:

**From:** James Matson <[matsonjk1022@gmail.com](mailto:matsonjk1022@gmail.com)>  
**Subject:** Dane County Ordinance  
**Date:** December 13, 2018 at 10:23:47 AM CST  
**To:** Pamela Porter <[porterapamela@gmail.com](mailto:porterapamela@gmail.com)>

Hi Pam -

I will probably not be able to attend the Lakes and Watershed Commission meeting this evening, but I do wish to support and comment on the proposed farm conservation and manure management ordinance. Can you make sure that the attached comments are included in the record?

Thanks -

Jim Matson

December 13, 2018

Dane County Lakes and Watershed Commission

Dear Commission Members

I am a lifelong Dane County resident, now retired. I was, for 28 years, chief legal counsel for the Wisconsin Department of Agriculture, Trade and Consumer Protection. Among other things, I was responsible for drafting current state standards related to farm conservation, nutrient management and nonpoint pollution runoff.

I am writing to express my strong support for proposed updates to the Dane County Ordinances, related to these topics. I understand that you will be considering the proposed ordinance draft at your meeting this evening. The proposed updates are designed to make Dane County farm conservation and nutrient management standards consistent with state standards, and will not change current state cost-share requirements. The changes will also modernize and strengthen current manure management oversight, to protect county lakes and streams from manure runoff. The changes implement recommendations of the Dane County "Healthy Farms, Healthy Lakes" Task Force, on which I was honored to serve.

Although I strongly support the proposed ordinance, I am attaching a number of technical drafting suggestions to clarify the current draft. I believe that these changes would improve public understanding, reduce confusion, and facilitate administration and compliance. Thank you for your consideration, and for your action on this important matter.

Sincerely,

James Matson  
1022 Vilas Ave.,  
Madison, WI

*Attachment: Technical Comments on Draft Ordinance*



## Technical Comments on Draft Ordinance

James Matson, December 13, 2018

**49.03(2)** Proposed section 49.03(2) states: *“Compliance with this ordinance requires that individuals follow the procedures contained herein, receive a permit from the department before beginning regulated activities, and comply with the requirements of this ordinance and the permit. This provision seems unnecessary and redundant, and may overstate what is required in some cases. Although most farmers are “regulated” by the ordinance, not all farmers will require a permit from the department (unless they are engaged in specific activities, such as manure storage or winter spreading). But this provision seems to imply that all farmers will need to obtain a permit. That may cause unnecessary fear and confusion. I think this provision could be eliminated without doing any harm to the substance of the ordinance. Alternatively, change the second clause to read: “... receive a permit from the department before beginning regulated activities that require a permit...”*

**49.07(7)** See comments on ss. 49.11(3) and 49.16 below.

**49.07(26)** The first sentence of the proposed definition of “nutrient management plan” seems too narrow, given the requirements of s. ATCP 50.04(3). I would suggest revising as follows:

*“Nutrient management plan” means a plan that balances the nutrient needs of a crop with the nutrients available from legume crops, manure, fertilizer, or other sources. The requirements for a nutrient management plan are as established in complies with s. ATCP 50.04(3), Wis. Adm. Code.*

**49.08(4)(c)3.** This subparagraph appears to require every farmer to submit an updated copy of his or her NM plan to the department every year, regardless of whether the farmer is required to hold a manure storage or winter spreading permit, and regardless of whether the farmer has received a NM cost-share grant or FP tax credits. Was that the intent? Such a requirement seems to go beyond the recommendations of the HFHL Task Force, and may entail a tremendous amount of paperwork for farmers and the county. It may also increase concerns over the confidentiality of NM information. I would suggest an alternative provision, such as the following (which would also address the confidentiality issue):

*49.08(4)(c)3. The department may review nutrient management plans or require landowners to submit relevant information from those plans. The department may compile, analyze and disseminate aggregated information from nutrient management plans, but shall withhold individually identifiable farm nutrient management data from public disclosure or inspection except as otherwise specifically required by law, or when disclosure is necessary to prevent an imminent threat to public health and safety.*

**49.08(4)(d)** This paragraph seems to create an overly broad and open-ended NM “loophole,” which may conflict with state NM rules. I would qualify it as follows:

*(d) The plan may allow for an increase in soil nutrient concentrations at a site, consistent with Wis. Adm. Code s. ATCP 50.04(3)(f), if necessary to meet crop demands.*

**49.10** This paragraph is presumably intended to incorporate state cost-sharing requirements in the county ordinance. But as currently drafted, the ordinance could be interpreted as going well beyond state requirements. Although 70% cost-sharing is frequently required under state law and rules, it is *not required* for any of the following:

- Changes needed to bring facilities or practices into compliance with a conservation standard that was *already in effect* when those facilities or practices were installed.
- Conservation practices that can be implemented without a significant change to existing facilities or practices.
- Conservation practices needed to restore, to compliance, land that has gone out of compliance.
- Conservation practices that a landowner has already installed.
- Ongoing maintenance of a permanent improvement (such as a manure storage facility) whose installation was cost-shared.
- NM plans or annual conservation practices that have already been cost-shared for at least 4 years.
- Facilities or practices needed to qualify for a CAFO permit or manure storage facility construction permit.

I would suggest that the following sentence, or something like it, be substituted for the first sentence of section 49.10:

*49.10 Compliance obligations under this chapter are subject to an offer of cost-sharing, to the extent that an offer of cost-sharing is required by state law [could cite specific statutes and rules].*

**49.11(3)** Section 49.11 of the draft ordinance, like the current Dane County ordinance, requires a livestock operator to obtain a county permit before constructing, extensively altering or closing a manure storage facility. Section 49.11(3) of the draft ordinance states that a permit remains in effect for 20 years, but that seems inconsistent with section 49.14(8), which states that "*Construction activities authorized by [a manure storage] permit must be completed and certified within 2 years from the date of issuance, after which any additional construction activities will require a new manure storage permit application to be submitted and approved.*" ¶ This reflects underlying confusion in the draft as to whether a manure storage permit under subch. IV is a construction permit, a use permit or both. See related comments regarding section 49.16 below. These provisions should be harmonized and clarified to avoid confusion. If the permit under section 49.11 is intended to serve as a use permit as well as a construction permit, should it be subject to a renewal requirement upon expiration?

**49.14(8)** See comments regarding section 49.11(3) above, and section 49.16 below.

**49.16** This section is presumably designed to implement HFHL Recommendation 3.B, which calls for the creation of a manure storage Certificate of Use program (see also definition 49.07(7)). According to the HFHL recommendation, "The certificate would apply to all manure storages in the county to evaluate safety and maintenance, track storage use and volumes, and improve implementation of nutrient management planning." (*my underline*) ☐ The ordinance draft creates an annual certificate of use requirement, but seems to exempt facilities that are covered by an unexpired manure storage permit (20-year permit). Is that the intent? If so, is that consistent with the apparent intent of the HFHL task force to implement a "certificate of use" requirement for *all* manure storage facilities? Section 49.16 and the "certificate of use" definition in s. 49.07(7) also seems to be inconsistent with s. 49.11(3), which appears to contemplate "certificates of use" for existing storage facilities that are covered by a 20-year permit. The ordinance should be clear and internally consistent as to intended requirements and coverage. And, while a "certificate of use" might supplement a storage permit, it should not serve in lieu of a permit in those cases where a permit is required by ordinance.

**49.17-49.20** These sections strengthen and update the county's current winter spreading permit requirements, according to HFHL Recommendation 3.D. However, there does not appear to be anything in the draft to address Recommendation 3.D.iii: "Ty (*sic*) winter spreading requirements to nutrient management planning." Does the county plan to make such a tie? If so, how? Is it unreasonable to expect applicants for winter spreading permits to have nutrient management plans for their farms? Could such a requirement be phased in over time, for operators who currently lack NM plans?

## Curran, Connie

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**From:** Robert J. Pofahl <bob@reaeng.com>  
**Sent:** Thursday, December 13, 2018 1:42 PM  
**To:** Curran, Connie  
**Subject:** Chapter 49 Comments

Comments regarding Chapter 49.

Resource Engineering Associates, Inc. is located in Middleton and provides engineering services to farmers throughout the area, with several clients in Dane County. We have recently become aware of the proposed ordinance changes. We have been unable to attend the meeting in Springfield or Thursday's Commission meeting due to other commitments. Based on limited review and discussion with clients, we are providing the following comments and questions for your consideration:

- Line 193 & 194: We are unclear why an existing manure storage is defined as existing before October 1, 2002. And in line 412 a storage structure is considered new if constructed after October 1, 2002. An explanation of why that date is used would be helpful to understand the definition. Also, we did not understand how "existing" versus "new" structures would be regulated differently under this ordinance.
- Line 205 & 206 Seems clarification could be included to recognize that many older manure storages, especially earth lined storage, did not require County approval in earlier years. These structures were constructed legally and likely in accordance with NRCS standards, but the word "unpermitted" seems to imply installed "illegally."
- Line 317 plus and line 353 & 354: My understanding is that crop farmers that use only commercial fertilizer would now need to have an approved nutrient management plan. Based on input from stakeholder clients that I have talked to, they are unaware of this proposed requirement. Seems the County should take more time and reach out to them so they have more of an opportunity to understand what this will mean to their operation and give the County time to change specific wordage before the ordinance is finalized. I believe this would create a stronger sense of buy-in and cooperation with the stakeholders. I would think the County staff will need to invest much more time to help the farmers comply and the farmers would like to know they will get the help they need from the County before deadlines. I did not see a time period for implementation, but would think implementation would take several years.
- Line 418 "Conditions for Retention" of an existing manure storage structures is that the facility is designed, constructed, and maintained in accordance with this Chapter. Since older structures would have been designed and constructed with an earlier version of NRCS standards and since new standards are revised every 5 years or more, most structures would likely not meet these standards and therefore this Chapter. When we currently evaluate structures, we assess the structures for conformance to the standard at the time they were constructed, and also comment if aspects of the structures are failing.
- Line 533 plus: Permit Duration. With a 20 year life, then the structure needs to be recertified based on meeting these specifications (especially considering that NRCS Specifications frequently change) would seem to present a problem for obtaining financing as it creates an unknown element to the loan. Will a permitted structure built in 2004 need to be recertified in 2024? Will a permitted structure built in 1997 become uncompliant the day that this ordinance is passed?
- Line 548 Setbacks from property lines). The 350 foot setback would seem to be limiting, especially to small operators or for remodels and upgrades. This issue was not included in the Summary of the Proposed Ordinance so individuals that only read the summary would not have seen this. To implement the 350 foot setback to the ordinance would seem to need to include the definitions in ATCP 51 (livestock Siting, which excludes underbarn storages, and digesters). It seems that stakeholders should

have an opportunity for case situation discussion sessions to determine what impacts this may have on plans they may be considering in the near future (with the farm economy as it is now, few have immediate plans) . Maybe rewording of the ordinance could be added to give more flexibility. This could be supported based on input that stakeholders could identify in a small group situation. This would seem to be especially important for small farmers that need to improve their existing facilities.

In summary, I think additional stakeholder meetings should be held and an active outreach effort should be implemented to get the stakeholders together to refine the proposed ordinance before rushing to finalize.

*Robert Pofahl*  
*President- Principal Engineer*

***Resource Engineering Associates, Inc.***

*Agricultural - Environmental*  
*Water Resource Management*

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## Minks, Kyle

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**From:** Piaget, Amy  
**Sent:** Thursday, December 13, 2018 4:25 PM  
**To:** Ottelien, Steven; Esser, Shawn; Ebel, Seth; Minks, Kyle  
**Subject:** FW: Manure Regulations

---

**From:** Hicklin, Laura  
**Sent:** Thursday, December 13, 2018 4:22 PM  
**To:** 'Alana Yevzlin' <alana.yevzlin@gmail.com>; 'Angela Moreno-Lopez' <ammorenolope@madison.k12.wi.us>; Chawla, Yogesh <Chawla.Yogesh@countyofdane.com>; Downing, J Patrick <Downing@countyofdane.com>; Jones, Nikole <Jones.Nikole@countyofdane.com>; Levin, Jeremy <levin.jeremy@countyofdane.com>; 'Nikki Jones' <Nikki4dane@gmail.com>; Reimer, John <Reimer.John@countyofdane.com>; Ritt, Michele <Ritt.Michele@countyofdane.com>; Chenoweth, Carl <Chenoweth.Carl@countyofdane.com>; 'Kay Hoffman' <skhoff@msn.com>; Ottelien, Steven <Ottelien@countyofdane.com>; Piaget, Amy <Piaget.Amy@countyofdane.com>; 'Allan Levin' <allanlev@gmail.com>; Balousek, Jeremy <balousek@countyofdane.com>; Ripp, David <Ripp.david@countyofdane.com>; Erickson, Chuck <Erickson.chuck@countyofdane.com>; 'Lyle Updike' <heartstone@hughes.net>; 'Maria del Carmen Moreno Ph.D.' <mdmoreno@wisc.edu>; Kolar, Mary <Kolar.Mary@countyofdane.com>; McCarville, Maureen <McCarville.Maureen@countyofdane.com>; 'Pam Porter' <porterApamela@gmail.com>; 'Rebecca Power' <powerebecca@gmail.com>; Reimer, John <Reimer.John@countyofdane.com>; Sandford, Susan <Sandford.Susan@countyofdane.com>; 'Susan West' <swest.dist6@gmail.com>  
**Subject:** FW: Manure Regulations

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**From:** Pat Downing [<mailto:downhome@tds.net>]  
**Sent:** Thursday, December 13, 2018 3:18 PM  
**To:** Hicklin, Laura  
**Subject:** Fw: Manure Regulations

Hi Laura,  
Please forward this to EANR & L/W Comm members.  
And see that it's included with public comments in the minutes.  
Thank you,  
Pat

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**From:** Kellercrest Registered Holsteins, Inc.  
**Sent:** Thursday, December 13, 2018 1:42 PM  
**To:** [downing@countyofdane.com](mailto:downing@countyofdane.com) ; Pat Downing  
**Subject:** Manure Regulations

Hi Pat,

Just a follow up with the phone call you and Tim had this morning. We need our county officials to know that there are a number of very positive things being done on dairy farms today. As you recall we as Kellercrest was part of the Pleasant Valley Watershed project which was a 10 year pilot program with DNR,

EPA, Nature Conservancy Foundation, local, state and fed governments. Final result should a 40% reduction in phos. reaching rivers. Soil test on our own farm in 2007 average of 107 phos. , 2012 was 94.6 phos and new results for 2018 average 64.6 on our phos. levels. This is about a 40% reduction in our soil phos. Because of this pilot program we did implement a number a very positive practices. We had been contoured farmed for nearly 60 years, this has been a great part of our pride for conservation, today we do even more. We added more no-till farming, and cover crops. We stopped purchasing commercial phos. fertilizers and worked more closely with how and where we spread our manure. This one step has saved us \$20-\$30,000.00 each year in savings. Manure is our only source for phos on our farm. Phosouous is still a very important part of growing corn and alfalfa to feed our cattle. As we have showed, when done correctly, manure can be both good for the farm and environment. Don't forget, we have trout streams on both sides of our farm. Polluting any streams is the last thing we would want.

Winter spreading manure done correctly also can be not detrimental for the environment. The way we spread our manure should greatly reduce the risk of manure reaching streams near us. By daily hauling manure, the normal freezing thawing action helps move manure into the soil stucture. Most of our ground is contoured strip farmed, try to leave as much residue on surface. Where we do chop corn silage we utilize cover crops. Normally, 40-50 acres of winter rye and the past couple of years added spring barrel as a cover crop and this helps hold manure and soil in place. I did not see cover crop listed in these new regulation. Adding more manure storage structures on farms is very expensive and just another point source contamination. With the dairy economy in a ugly 4 year down market, new regulations would only come across as very mean spirited and showing our own local government dose not care about how and where there food comes from. You, still refer that we are a large dairy farm. 300 cows if not. Farmers from around the country refer that we are a starter farm. Manure storage for our farm could cost up to \$1,000,000.00 dollars. This cost would basically run us out of business. This is what we are very afraid this county may push next.

Farmers when given the chance are doing many things correctly. We have been featured on the TV show Into The Out Doors and several several local, state and national news story's because of our conservation practices. 2017 received a very prestige's award from Innovation Center for U.S. Dairy. We received the U.S. Dairy Sustainability Award for Outstanding Achievement in Resource Stewardship. We was one of only 4 dairy farms in all of the United States to receive on of Innovation Center for U.S. Dairy Awards. Today, because of the Pleasant Valley Watershed pilot program a wide spread movement is going on in Wisconsin. Farmer led watershed groups a taking off all over Wisconsin. Dane County has two strong groups. Yahara Pride and Farmers for the Upper Sugar River. Half our farm is Pleasant Valley or Pecatonica Water sheds and North half is Upper Sugar River. We are taking an active roll in the Farmers for the Upper Sugar River, and helping educate more farmers about positive conservation practices. We as a group as adding more farms each year and growing more conservation practices with the group. Doing things right!

We ask the county board to delay this vote and find more productive ways to work with farmers, not be mean spirited and just mandate more expensive regulations. We as Kellercrest Holsteins, would welcome you or any other County Board member to our farm and show what dairy farmers can do and do correctly. Remember, we have trout streams on both sides of our farm.

Respectfully,

Tim and Mark Keller  
Kellercrest Registered Holsteins, Inc..