

**Concentrated Animal Feeding Operations (CAFO)
Permit Application
Town of Luck, Polk County, Wisconsin
Appendix C**

Authority

The Applicant submitting this Application must be an owner or officer of the entity proposing to operate the CAFO and sign the Application. The Application must also be signed by the property owner, who agrees to be bound by the same standards as the operator, and by one or more qualified and professionally licensed third party engineers or geoscientists who attest that they have prepared or have reviewed the plans and certify that the plans will meet the performance requirements in Section 8, Application Procedure, of the Town's CAFO Operations Ordinance.

Town Compensation

Upon executing and submitting a CAFO Permit Application to the Town Clerk, the Applicant shall include and sign a statement that the Applicant agrees to fully compensate the Town for all legal services, expert consulting services, and other expenses which may be reasonably incurred by the Town in reviewing and considering the Application, regardless of whether or not the Application for a permit is subsequently approved, with or without conditions, or denied by the Town Board. The Applicant statement shall also state that the Applicant agrees to fully compensate the Town for all legal services, expert consulting services and other expenses, for verifying and enforcing compliance with the terms of the permit, with or without conditions, if approved by the Town Board,

Application Fee

A non-refundable Application Fee of One Dollar (\$1.00) per proposed animal unit payable to the Town of Luck shall accompany an Application for the purpose of offsetting all reasonable Town costs to review and process the Application.

Application Fee, Legal Name & Type of Business

Application Filing Fee: # _____ of Animal Units x \$1.00 per Animal Unit =
\$ _____ (CAFO Ordinance Section 3.1 & Section 7.)

Date of Application: _____

Application for _____ New, _____ Modification, _____ Expanded animal housing or waste storage.

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Legal Name of Individual or Organization Operating CAFO:

Type of Business:

Individual Corporation Partnership Cooperative LLC Trust Other

Describe business _____

Include Other Names, if any, under which the Applicant does business:

Principal Owners or Officers

Name _____ Title _____ Phone: _____

Address: _____

City _____ State _____ Zip _____

Add additional Owners and Officers on separate sheet, as necessary.

Print Name of Applicant or Applicant's Legally Authorized Representative:

Signature of Applicant or Applicant's Legally Authorized Representative:

Name and Contact Information of Individual Completing Application:

Position of Individual Completing Application: _____

Federal Employer ID#: _____ State Employer ID# _____

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Authorized Contact Person

Name: _____

Phone: _____ E-mail: _____

Address: _____

City: _____ State _____ Zip _____

Print or type operator's name:

Legal Name of company:

Legal address of company:

Street _____

City: _____ State _____ Zip _____

Email: _____

Owner/Operator Signature

_____ Date: _____

Note: Signature of the Applicant authorizes the Town and its designees to enter upon the property upon which Applicant seeks to operate its CAFO to perform needed inspections at any time and on as many occasions as the Town or its designee deems necessary without prior notice to Applicant.

Property Owner Signature

_____ Date: _____

Third Party Reviewer of Plans Signature:

_____ Date: _____

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Property Identification

Facilities and Storage

Provide the owner(s) name, contact information and legal description for each parcel of the land at which CAFO facilities, such as barns, waste and feed storage, composting, etc., will be located.

Name _____

Phone _____ E-mail _____

Address _____

City _____ State _____ Zip _____

Legal Description

_____ ¼ of _____ ¼, Section _____, Township _____ N., Range _____ W., Town of _____

Tax Parcel ID Number: _____ Acreage _____

If any of the above facilities or land is rented, include a copy of the lease agreement or other document demonstrating permission to use the land and/or facilities as proposed.

Manure Application

Provide the owner's name, contact information and legal description for each parcel of land to which the CAFO will be applying manure.

Name _____

Phone _____ E-mail _____

Address _____

City _____ State _____ Zip _____

Legal Description

_____ ¼ of _____ ¼, Section _____, Township _____ N., Range _____ W., Town of _____

Tax Parcel ID Number: _____ Acreage _____

Manure Land Application Agreement (CAFO Ordinance - Section 10.2.b.ii.)

For each parcel of rented land, include a Manure Land Application Agreement demonstrating permission to use the land for a minimum contract period of five (5) years.

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Land use

Describe current land uses within and immediately adjacent to the proposed CAFO site, including aerial photographs. For lands being used for crop production, include a description of crops currently being grown with an estimate of acreage of each crop.

Permits

The Applicant must obtain all required state and county permits and attach them to this Application. The Town will not proceed with Application procedure until all required state and county permits are complete.

Required Financial Assurance (CAFO Ordinance Section 9.)

Attach documentation, as detailed in the CAFO Ordinance - Section 9, that the Applicant and all contractors, subcontractors, agents and representatives can assure sufficient funds will be available for pollution clean-up, nuisance abatement, and proper closure of the operation if it is abandoned or otherwise ceases to operate.

Required Plans (CAFO Ordinance Section 8.)

This Application must be signed by the property owner, who agrees to be held by the same standards as the operator, and by one or more qualified and professionally licensed third party engineers or geoscientists who attest that they have prepared or have reviewed the plans and certify that they will meet the following performance requirements.

- A. Infectious Disease Plan** to prevent the spread to other animals, livestock and humans.

- B. Waste Management Plan** to detail how storage and management of waste and nutrients will prevent contamination of surface and groundwater. At a minimum, it must include:
 - 1. Scientifically significant baseline data on the water quality of local human drinking and agricultural wells. (CAFO Ordinance Section 10.2.a.)
 - 2. If applicable, an existing Nutrient Management Plan.
 - 3. Explain how the waste management plan will attain state requirements under [Wis. Stat. § 281.16 \(3\)](#):
 - a. No overflow of manure storage structures.
 - b. No unconfined manure pile in a water quality management area.
 - c. No direct runoff from a feedlot or stored manure into the waters of the state.
 - d. Limited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod cover.
 - 4. Animal waste storage to attain zero-discharge of contaminated runoff to surface water or seepage to groundwater using engineered berms, tanks and liners, equivalent or better, to prevent:

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- a. Leaking of underground liners through corrosion, cracks or gaps;
 - b. Leaking of tank systems from corrosion or cracks.
5. Animal waste management to attain zero-discharge of contaminated runoff to surface water or groundwater.
 6. Amount of land used to spread waste will be based on spreadable acres, not total acres. (CAFO Ordinance Section 10.2.b.i.)
 7. Manure Land Application Agreements (CAFO Ordinance 10.2.b.ii.)
 8. Depth to groundwater below all waste management areas with borings.
 9. Soil types and site-specific infiltration tests.
 10. Land cover, groundwater susceptibility, fragile soil index, manure and food processing waste rating,

C. Animal Population Control and Depopulation Plan must provide for and demonstrate:

1. Daily recording and reporting of animal counts and mortality.
2. Reporting to the Town-designated local authority within 24 hours of any unusual mortality.
3. Methods used for euthanasia of diseased animals.
4. Management of the movement and transportation of livestock, containment and treatment of bodily fluids from and safe disposal of carcasses to prevent spread of disease to other livestock, animals, workers and humans.

D. Biosecurity and Animal Health Plan must provide for and demonstrate:

1. Healthy and humane treatment of all animals.
2. Routine observation and testing for diseases of concern.
3. Separation and quarantine of diseased animals and animals in contact with diseased animals.
4. Euthanasia, handling, and disposal of diseased animals sufficient to prevent the spread of disease to workers, other livestock, animals and humans.
5. Quarterly reporting of animal testing results and enforceable metrics.
6. Confirmation that the livestock and conditions at the facility, based on plan-identified metrics, are healthy by a third-party inspector.
7. Any deviations from the metrics and any detection of diseases of concern will be immediately reported to Polk County Health Department and Town authority.
8. Testing of workers and contractors who come into contact with diseased animals.
9. Other emergency measures in the event of an outbreak of disease, based on the latest authoritative disease containment guidance.

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E. Animal Transportation Plan in combination with Biosecurity and Animal Health plan, must provide for and demonstrate:

1. Safe transportation of all livestock to and from the CAFO in compliance with the USDA "28-hour rule" under [49 USC Ch. 805](#).
2. Disinfection of transport trailers prior to loading and treatment of water used to disinfect trailers. All vehicles leaving CAFO premises must be thoroughly sanitized.
3. Ability to contact drivers and owners of previous livestock shipments.
4. Coordination with local traffic and road authorities to assure safe transport of the animals to prevent traffic accidents and provide the necessary emergency response measures in the event of an accident.
5. Traffic study that includes:
 - a. Identification of all roads used for delivery of supplies, food, and livestock to the facility, including interstate, federal, state and county highways, town roads and private roads.
 - b. Traffic counts on all local non-interstate roads/highways, and projected traffic counts with special attention to less used roads.
 - c. Identification and evaluation of impact on congestion points.
 - d. Identification of tight turns that may need additional signage or improvements for safety.

F. Water Use Plan based on hydrogeological characterization study, including:

1. Estimated water use for drinking, cleaning, cooling and manure movement.
2. Pumping tests to assess whether groundwater levels and volumes are sufficient.
3. Identification of all onsite and nearby wells:
 - a. Identify and locate on a map all wells within five (5) miles of proposed facility.
 - b. Depth, date of installation of each well.
 - c. Pump rates, and hydraulic unit pumped from for each well.
4. Identification of all springs and artesian fed streams and water bodies within five (5) miles, including:
 - a. ponds
 - b. wetlands
 - c. single source aquifers
 - d. regional aquifers
 - e. lakes
5. Location on a map and characterization of artesian features, including:
 - a. size
 - b. depth
 - c. estimated flow rates for springs
 - d. geological formation(s) water comes from and is found in

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6. Identification of the drainage basin(s) in the area.
7. Identification of any 100-year flood plains in the area.
8. Identification of any recharge zones for a sole-source aquifer.
9. Demonstration by calculation, modeling, and hydrology that the planned use of water will have no impact, considering projected 50-year growth of population in the area, and the flow rate, extent, volume, and storage capacity for any existing well, spring or artesian-fed water body within 2 miles of the proposed CAFO.
10. Quarterly reporting of water use to the local authority or their designated hydrogeologist.

G. Odor and Toxic Air Pollution Prevention Plan must provide for and demonstrate:

1. Point, fugitive and dust emissions and monitoring requirements for all facilities.
2. Prevention of odiferous smells noticeable to human olfactory senses.
3. Prevention of toxic air pollutants along property boundaries.
4. Adequate offsets, waste containment, air and odor emission control devices, including particulate filters to:
 - a. Prevent air pollution; and
 - b. Transmission of disease particles from the CAFO or offsite CAFO waste management areas.

H. Community Economic Land Use, Property Value Assessment and Impact Study performed by a licensed appraiser and qualified land use planner with scientifically sound measures to provide for and demonstrate:

1. Identification of land use and property owners within one (1) mile of proposed facility.
2. No negative impact to properties within one (1) mile of proposed CAFO.
3. Net positive benefits to the Town including consideration of risk on public health.

I. Construction, Fire and Road Plans must provide for and demonstrate:

1. **Construction Plan** to include signed engineered drawings for the measures needed to meet the performance requirements and the measures specified in the following:
 - a. Fire Safety Needs Analysis
 - b. Fire Water Supply Needs Analysis
 - c. Road plan
2. **Fire Safety Needs Analysis** to include an evaluation of local rural fire departments (RFD) ability to respond to and effectively contain fires. (See NFPA Standard 1141 Capacity of Fire Protection Services.)
 - a. Analysis of all RFDs in the county as well as the two nearest adjacent counties.

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- b. Meetings shall be held with these RFDs to discuss the current availability and future requirements necessary to fight a fire. At a minimum, discussion and documentation of the following items will be completed. Other items should be addressed if either the owner/operator or the rural fire departments identify a need:
 - i. Dispatching - Ability of current system and staff able to handle the increased call volume likely to be generated by the CAFO.
 - ii. Fire Station Locations - Current fire stations distribution, design and ability to service the changing demands related to the CAFO building and operations.
 - iii. Personnel - Any increased need for positions.
 - iv. Equipment - Ability of trucks, pumps, ladder trucks, etc. to address CAFO fires.
 - v. Personal Protective Equipment (PPE):
 - Portable Radios - enough to equip all responders on a shift.
 - Self-Contained Breathing Apparatus (SCBA)
 - Personal Alert Safety System (PASS) Devices as needed in an Immediately Dangerous to Health or Life (IDHL) environment
 - Personal Protective Clothing (PPC) - percentage of fire fighters equipped with PPC and what percentage of PPC is over 10 years old?
 - c. Review of RFD's Community Risk Reduction Capacity:
 - Fire Prevention or Code Enforcement Program.
 - Inspections performance and permit approval process.
 - Hazard Mitigation Planning and Risk Assessment.
 - d. Potential funding needed to address items identified in number a. to c.
 - e. Coordination agreements as needed between RFDs.
- 3. Fire Water Supply Needs Analysis** to determine and ensure that there will be sufficient water supply to effectively contain a structural fire at the CAFO facility. The [NFPA 1142 Standard on Water Supplies for Suburban and Rural Fire Fighting, 2017](#) requirements are incorporated by reference. These requirements are summarized below.
- a. Determine minimum requirements for alternative water supplies for structural fire-fighting purposes in areas where the Town determines that adequate and reliable water supply systems for fire-fighting purposes do not otherwise exist.
 - b. Define an adequate and reliable municipal-type water supply as one that is sufficient every day of the year to control and extinguish anticipated fires.
 - c. Survey CAFO structures to obtain the following information:
 - Occupancy hazard
 - Type of construction (Per NFSA 150, 7.2.2 animal housing facilities will be Type II construction)
 - Structure length, width, and height dimensions

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- d. Calculate minimum water supplies. Changes made in structural design, dimensions, occupancy, or contents that affect the occupancy hazard or the construction type require that the structure be resurveyed to determine if changes are necessary in the minimum water supply required.
- e. If there are changes in automatic fire suppression systems in a structure that would affect the protection afforded, the owner/operator shall notify the Town in writing of such changes, including temporary impairment.
- f. The minimum requirements shall be subject to increase to compensate for particular conditions such as the following:
 - Limited RFD resources or extended RFD response times as identified in Fire Safety Needs Analysis
 - Potential for delayed discovery of the fire
 - Limited access
 - Hazardous vegetation or unusual terrain
 - Structural attachments
 - Special uses and occupancy
- g. For the purpose of calculating minimum water supply requirement, a structure shall be considered an exposure hazard under the following conditions:
 - It is 100 ft² or larger in area and is within 50 feet of another structure.
 - The structure, regardless of size, is of occupancy hazard classification 3 or 4 as determined in NFPA 1143 - Chapter 5 and is within 50 feet of another structure.
- h. Unattached structures exposure hazards require a minimum water supply, in gallons, to be determined by calculating the total enclosed volume, in cubic feet, of the structure, dividing by the occupancy hazard number as determined from NFPA 1143 - Chapter 5, multiplying by the construction classification number as determined from NFPA - Chapter 6 and multiplying by 1.5 as follows:
 - $WS_{min} = (VS_{tot}/OHC) \times CC \times 1.5$
 - Where:
 - WS_{min} = minimum water supply in gallons
 - VS_{tot} = total volume of structure in ft³
 - OHC = occupancy hazard classification number
 - CC = construction classification number
 - The minimum water supply required for a structure with exposure hazards shall not be less than 3000 gallons.
- i. Structures with automatic sprinkler protection shall be permitted to reduce the water supply required for manual fire-fighting purposes when a structure is protected by an automatic sprinkler system that fully meets the requirements of NFPA 13, NFPA 13D, or NFPA 13R (See Annex F of NFPA 1142)

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- j. Automatic sprinkler systems that do not fully meet the requirements of NFPA 13, NFPA 13D, or NFPA 13R shall provide a water supply in accordance with Section 16.3.5.1.1 of the NFPA 150 Fire and Life Safety in Animal Housing Facilities Code.
- k. Minimum water supply shall be delivered in accordance with Table 9-1.
- l. Water delivery rate may be adjusted by the Town, giving consideration to local conditions and need. The minimum water delivery rate shall not be less than 250 gpm (950 L/min).

Table 9-1 Minimum Water Delivery Rate to Fire Scene

Total Water Supply Required		Water Delivery Rate	
Gallons	Liters	GPM	L/min
<2,500	9,459	250	950
2,500-9,999	9,460-37,849	500	1,900
10,000-19,999	37,850-75,699	750	2,850
>20,000	>75,000	1,000	3,850

- m. Water supplies developed to meet this standard shall be permitted to be used for fighting fires in other structures or for use during other emergency activities.

- 4. Road Plan** - Traffic study and road improvement needs analysis and road improvement construction plans will include:
- a. Identification of all roads used for delivery of supplies, food, and livestock to the facility including interstate, federal, state and county highways, town roads and private roads.
 - b. Traffic counts on all local non-interstate roads/highways, and projected traffic counts with special attention to less used roads.
 - c. Identification and evaluation of impact on congestion points.
 - d. Identification of tight turns that may need additional signage or improvements for safety.
 - e. Improvement needs analysis and road traffic and roadway improvement plans.
 - f. Signed engineering approval for items a. to e. above.
 - g. Letters of conformance, on agency letterhead, stating that Application-submitted plans are complementary with and are in conformance with the associated traffic and road plans and requirements of and from the local, regional, state and federal road and transportation authorities.

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J. Compliance Assurance Testing, Sampling and Monitoring Plan shall provide and demonstrate chain-of-command for reporting and correction of deviations from all the plans' metrics, including:

1. Daily monitoring of all operations for compliance.
2. Inspection and sampling of storm water discharges.
3. Quarterly groundwater monitoring to allow for corrective actions and containment to prevent offsite or vertical migration.
4. Verification of testing method efficacy and quality assurance.
5. Reporting within 24 hours of deviations to the owner, corrective measures contractor and identified Town authorities.

K. Compliance Assurance Plan shall provide and demonstrate:

1. Prepared plans and procedures are based on sound science and include an updated review of best practices, technologies and test methods.
2. Specific compliance metrics to assure that the performance requirements of the plans are met and the permit approval conditions are satisfied.
3. Specific emergency measures for deviation from the plan's metrics.
4. Annual audits, inspections, and certification by qualified, experienced, and licensed third parties approved by the Town demonstrate compliance with the procedures and provisions of the various operational plans, including with the identified metrics.