

**CAFO REVIEWABLE FACILITIES or SYSTEMS CHECKLIST**

Applicants may use this form for a proposed facility or existing facility evaluation reviewable under ss. NR 243.15 or 243.16. Page 1 of this form may be used for activities reviewable under s. NR 243.17 (see list below).

**Operator Information:** Operation: \_\_\_\_\_ Contact: \_\_\_\_\_

Phone: Office: \_\_\_\_\_; Cell: \_\_\_\_\_; Fax: \_\_\_\_\_

Email: \_\_\_\_\_; County: \_\_\_\_\_; Township: \_\_\_\_\_, T\_\_ N, R\_\_ E or W

Mailing Address: \_\_\_\_\_, WI Zip Code \_\_\_\_\_

Location Address: \_\_\_\_\_, WI Zip Code \_\_\_\_\_

This operation is (check one):  a new CAFO, or  an existing CAFO, WPDES Permit No.: \_\_\_\_\_

**Preparer Information:** Company: \_\_\_\_\_ Preparer: \_\_\_\_\_

Phone: Office: \_\_\_\_\_; Cell: \_\_\_\_\_; Fax: \_\_\_\_\_

Email: \_\_\_\_\_; Alternate Contact: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Preparer is a (check one):  Professional Engineer WI License No: \_\_\_\_\_, or

Certified Agricultural Engineering Practitioner (DATCP/County/ NRCS engrs or techs)

<b>Reviewable Project Type (check all that apply):</b> <input type="checkbox"/> Modification, check types
<input type="checkbox"/> Existing facility evaluation, check types (s. NR 243.16, Wis. Adm. Code)
<input type="checkbox"/> Runoff control (s. NR 243.15(2))
<input type="checkbox"/> Manure storage (s. NR 243.15(3) and NRCS Standard 313): <input type="checkbox"/> Lagoon; <input type="checkbox"/> Digester (s. NR 243.15(5)); <input type="checkbox"/> Composting (s. NR 243.15(8))
<input type="checkbox"/> Storage only for process wastewater (ex: milking waste, egg wash) (ch. NR 213)
<input type="checkbox"/> Manure transfer pipe, channel, reception tank, or sand separation/storage (s. NR 243.15(4) and NRCS Standard 634)
<input type="checkbox"/> Feed storage area (s. NR 243.15(9))
<input type="checkbox"/> Non-ag waste addition to storage or treatment systems, including digesters (s. NR 243.17(1) or (2))
<input type="checkbox"/> Closure/discontinuing use of a reviewable structure or system (s. NR 243.17(7))
<input type="checkbox"/> Other, list: _____

**The preparer and owner understand all of the following:**

- The DNR has 90 days to issue a decision once complete plans and specifications are received under ss. NR 243.15 or 243.17. Evaluations under s. NR 243.16 aren't subject to the 90 day limit. The owner must obtain all other state and local approvals.
- The DNR requires 3 copies of the plans and specifications which may be submitted to your DNR Region Contact, or the Central Office at: DNR Ag Runoff Management, P.O. Box 7921, Madison, WI 53707.
- It is a violation of ch. NR 243 and/or the WPDES Permit to construct reviewable facilities prior to DNR approval.
- If an Environmental Assessment (EA) is required, plans and specifications aren't complete until complete EA and/or permit application information is submitted to DNR. A decision on the plans and specifications can't be issued until the EA is final, except statutory approval 90 days after complete plans and specifications are received by DNR.
- If the project will disturb 1 acre or more area, it is a violation of ch. NR 216 to begin disturbing soil (ex: grub, grade) before obtaining a WPDES Stormwater Construction Site General Permit.
- Failure to submit all necessary information may result in rejection of the plans and specifications.

**The preparer and owner certify all of the following:**

- I am familiar with the plans and specifications submitted for this project, and I believe all applicable items in this checklist have been addressed.
- For proposed activities, a post-construction report will be submitted to DNR with a statement that construction conforms with applicable Wis. Adm. Code, NRCS Standards, and approved plans and specifications.

\_\_\_\_\_  
*Signature of Professional Engineer or Certified Agricultural Engineering Practitioner* \_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of the CAFO Representative (Operator or Manager)* \_\_\_\_\_  
*Date*

This is a summary. Also see ss. NR 243.15 or 243.16, Wis. Adm. Code, and applicable NRCS Standards. For each item, check the appropriate box. For items that must be included in the submittal, a column is provided for the applicant to write the submittal page(s) where the information can be found.

Items Applicant Must Discuss with Regional Staff	Outcome	
I've contacted DNR Regional Staff to determine if an <u>Environmental Assessment (EA)</u> is required.	<input type="checkbox"/> EA is not required; or <input type="checkbox"/> EA is required	
I've contacted DNR Regional Staff to determine if a NR 216 <u>WPDES Stormwater Construction Site General Permit</u> (Stormwater Permit) is required. To obtain a Stormwater Permit, submit a <u>Notice of Intent</u> .	<input type="checkbox"/> Stormwater Permit is not required (<1 acre will be disturbed); or <input type="checkbox"/> Stormwater Permit is required (≥1 acre will be disturbed); and <input type="checkbox"/> Notice of Intent has been submitted.	
Items Applicant Must Include in the Submittal	In Submittal	Page(s)
<u>Project Description</u> : Summarize project, and identify each facility to be constructed/modified/abandoned and the anticipated schedule.	<input type="checkbox"/> yes	
<u>Management Assessment</u> : <ul style="list-style-type: none"> <li>• Options considered and the purpose of each proposed facility.</li> <li>• Physical connections between proposed facilities and existing facilities.</li> <li>• Animal types, bedding utilized, waste characterization and manure handling practices.</li> </ul>	<input type="checkbox"/> yes	
<u>Site Assessment</u> : <ul style="list-style-type: none"> <li>• Elevation of saturation/bedrock encountered (or estimated elevation from county soil survey); whether saturation is the groundwater table; and bedrock type (ex: sandstone).</li> <li>• Soil test pit or boring logs indicate surface elevation, and depth that meets NRCS Standards (313 Storage, or 634 Transfer).</li> <li>• Locations of groundwater wells ≤100 ft.</li> <li>• Characterization borrow areas for clay liner materials.</li> </ul>	<input type="checkbox"/> yes  <u>Pits/borings encountered</u> : <input type="checkbox"/> Saturation <input type="checkbox"/> Groundwater table <input type="checkbox"/> Bedrock <u>Proposed locations include</u> : <input type="checkbox"/> Private gw well <250 ft <input type="checkbox"/> Community gw well ≤1,000 ft <input type="checkbox"/> Flood prone area <input type="checkbox"/> Surface water quality mgmt. area (SWQMA), NR 243.03(66) (ex: ≤1,000 ft from navigable pond) <input type="checkbox"/> Sensitive to groundwater impact (ex: shallow groundwater).	
<u>Manure Storage Additional Requirements</u> : <ul style="list-style-type: none"> <li>• <u>Management Assessment</u>:               <ul style="list-style-type: none"> <li>○ Storage time and calculations (≥180 days for liquid manure).</li> <li>○ Land available for waste utilization.</li> <li>○ Waste handling, transfer and removal methods.</li> <li>○ Provisions for facility expansion.</li> </ul> </li> <li>• <u>Site Assessment</u>:               <ul style="list-style-type: none"> <li>○ Location of groundwater wells, and sinkholes/karst ≤1,000 ft.</li> <li>○ Identify potential impacts from failures, and assessment for leak detection, collection and secondary containment.</li> </ul> </li> <li>• <u>Scaled Drawings</u>: Storage facility detail of permanent markers for Maximum Operating Level, Margin of Safety Level, and 180 Days Storage (near the bottom).</li> </ul>	<input type="checkbox"/> N/A, manure storage isn't proposed at this time; or  <input type="checkbox"/> yes <u>Proposed storage location includes</u> : <input type="checkbox"/> Saturation to storage floor ≤5 ft <input type="checkbox"/> Bedrock to storage floor ≤5ft <input type="checkbox"/> Karst features ≤1,000 ft	
<u>Safety and Design Features, Operation and Maintenance Plan, and Construction Plan</u> (see NRCS FOTG Standard 313, Section IV, and NRCS 313, Section V., 11.-14.).	<input type="checkbox"/> yes	
<u>Inspection Plan</u> : List critical construction items for inspection, by whom.	<input type="checkbox"/> yes	
<u>Scaled Drawings</u> : <ul style="list-style-type: none"> <li>• Locations of the operation, existing and proposed facilities, wells, soil test pits and borrow areas.</li> <li>• Site topography (7.5 min. topo. map, or equivalent) with surface water, concentrated flow paths, flood prone areas, sinkholes/karst features; and construction erosion control.</li> <li>• Detail drawings.</li> </ul>	<input type="checkbox"/> yes	

**For additional information, please also see the FREQUENTLY ASKED QUESTIONS on pp. 3 & 4.**

## CAFO REVIEWABLE FACILITIES or SYSTEMS CHECKLIST

### FREQUENTLY ASKED QUESTIONS

(This page does not need to be returned to DNR.)

Q: What are the consequences if an operation chooses to construct in conflict with the rules?

A: The DNR may take enforcement and require the structures to be modified.

Q: What construction can an existing or proposed CAFO begin before the plans and specifications are approved?

A: Prior to approval of plans and specifications, allowable earth moving activities in preparation for reviewable structures or systems are limited to clearing, grubbing and rough grading (see NR 108.03(2), Wis. Adm. Code).

- Examples of grubbing and grading activities include: grading for site erosion control features, removing trees and stumps, stripping topsoil, and constructing access roads. Grubbing and grading does not include any of the following: placement of liner materials, concrete forms, or fill materials for reviewable structures.
- Approval is not needed for borrow excavation to obtain fill needed for non-reviewable structures or systems, even if the excavation occurs in an area where reviewable structures (ex: manure storage lagoon) will later be located.
- If  $\geq 1$  acre will be disturbed, a WPDES Stormwater Construction Site General Permit (Stormwater Permit) must be obtained prior to beginning soil disturbance activities.

Q: How long does it take to obtain DNR approval of plans and specifications?

A: Once DNR receives a complete submittal, review time of at least 45 days can be expected, and 90 days is the maximum allowed by law. The DNR issues decisions as soon as possible. However, the review process is different if a WPDES Permit application or an Environmental Analysis (EA) is required.

Q: If a new WPDES Permit or EA is required, what is the impact on the plans and specifications review?

A: If a WPDES Permit application or EA is required, they must be complete before the plans and specifications are complete. Also, if an EA is required, DNR cannot issue a decision on the plans and specifications until one of the following occur:

- 1) The EA is final (public comment period is over, public comments have been considered, and the final EA is signed); or
- 2) 90 days have lapsed since DNR received a complete plans and specifications submittal (including information needed to make a WPDES Permit application and EA complete).

Q: What level of Nutrient Management (NMP) planning is needed prior to applying for a WPDES Permit?

A: Revisions to ch. NR 243, Wis. Adm. Code, effective in 2007 increased the information needed for a WPDES Permit application. In particular, owners should be aware that a complete nutrient management plan (not preliminary) must be submitted to make their WPDES Permit and EA information complete.

Q: How will I know if an EA is required and who prepares it?

A: Ch. NR 150, Wis. Adm. Code, describes the level of environmental review required based on project type and size. A significant expansion in animals triggers the need for an EA, and in most cases an EA is required when a farm first applies for a CAFO WPDES Permit. DNR Regional Staff implement EA requirements and can provide further information. Although an EA is prepared by DNR, an applicant must first submit a completed EA questionnaire, which helps DNR determine if an EA is required.

Q: What if an existing or proposed Large CAFO chooses to begin construction of reviewable structures or systems before the plans and specifications are approved?

A: The owner is taking significant risk, because the location or design may not be approvable. As a result, the owner may incur excess costs to correct deficiencies. In addition, the owner may be subject to enforcement, because construction without an approval is a violation of ch. NR 243.15, Wis. Adm. Code, and is also a violation of the CAFO WPDES Permit if the operation is permitted. Keep in mind, a proposed CAFO means an operation that has submitted a WPDES Permit application (complete or incomplete).

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### FREQUENTLY ASKED QUESTIONS

(This page does not need to be returned to DNR.)

Q: Why are certain requirements listed on the CAFO REVIEWABLE FACILITIES or SYSTEMS CHECKLIST more stringent than NRCS Standards?

A: NRCS Standards have been developed for small farms. For Large CAFOs, Wisconsin also requires compliance with ch. NR 243, Wis. Adm. Code. In some cases it may be sufficient for an operation to meet just the minimum criteria in NRCS Standards.

Q: What if a livestock operation intends to become a Large CAFO, but has not submitted an application for a CAFO WPDES Permit - then can construction proceed without an approval?

A: Depending on the circumstances, it may be legal, but DNR discourages this practice and owners should recognize they are taking significant extra risk. Prior to applying for a WPDES Permit, facilities and systems reviewable under ch. NR 243, Wis. Adm. Code, may be constructed without approval of plans and specifications, because the facilities and systems do not become subject to review under ch. NR 243, Wis. Adm. Code, until a WPDES Permit has been applied for (complete or incomplete). The following related issues should be considered:

- Ch. NR 243, Wis. Adm. Code, requires operations to submit an initial permit application 12 months before the increase in animals is expected.
- Previously constructed facilities and systems (regardless of age) will be subject to engineering evaluation at the owner's expense and review by the DNR.
- The owner may incur excess capital and operational costs to correct deficiencies caused by poor planning, particularly if the location or design doesn't meet ch. NR 243, Wis. Adm. Code, requirements and cannot be easily modified to meet those requirements.

The DNR advises owners to refrain from constructing facilities intended for expansion to become a CAFO until they have submitted a complete WPDES Permit application, including plans and specifications for new facilities and system, and have obtained written approval from DNR

Q: What types of projects at a Large CAFO require submittal of plans and specifications, and DNR review and approval?

A: Plans and specifications must be submitted for structures and systems regulated under ch. NR 243, Wis. Adm. Code, Subchapter II. "Reviewable facility or system" is defined in s. NR 243.03(56), Wis. Adm. Code. Reviewable proposed structures and systems (and modifications to them) are covered under s. NR 243.15, Wis. Adm. Code, and reviewable proposed operational changes are covered under s. NR 243.17, Wis. Adm. Code. Evaluations of existing structures are covered under s. NR 243.16, Wis. Adm. Code. The table, "Reviewable Project Type", on p. 1 of the CAFO REVIEWABLE FACILITIES or SYSTEMS CHECKLIST, includes the most common types of reviewable projects.

Q: Where can I find more information?

A: DNR Runoff Management webpages include the following (and more):

- WPDES CAFO Permits, <http://dnr.wi.gov/runoff/ag/permits.htm>. This includes a link to the Plan & Specifications Checklist, [http://dnr.wi.gov/runoff/pdf/ag/cafo/plans\\_specs.pdf](http://dnr.wi.gov/runoff/pdf/ag/cafo/plans_specs.pdf).
- Administrative Rules, <http://dnr.wi.gov/runoff/admrules.htm>, chs. NR 108 and 243, Wis. Adm. Code, have specific requirements for plans and specifications.
- Technical Standards, <http://dnr.wi.gov/runoff/ag/techstds.htm>.
- Additional CAFO FAQs, [http://dnr.wi.gov/runoff/ag/faq\\_cafo.htm](http://dnr.wi.gov/runoff/ag/faq_cafo.htm)
- Questions may be directed to Gretchen Wheat at (608) 264-6273 or [gretchen.wheat@wisconsin.gov](mailto:gretchen.wheat@wisconsin.gov), or Tom Bauman at (608) 266-9993 or [thomas.bauman@wisconsin.gov](mailto:thomas.bauman@wisconsin.gov).