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May 5, 2016

Ken Genskow
Manure Irrigation Workgroup Chair
112a Music Hall
925 Bascom Mall
Madison, WI 53706
Via electronic mail to: kgenskow@wisc.edu

RE: Public comment on the Manure Irrigation Workgroup Report

Dear Mr. Genskow:

Thank you for considering Midwest Environmental Advocates' (MEA) comments regarding the Manure Irrigation Workgroup Report (Report). This letter follows our phone conversation regarding how best to ensure that the public remains involved and educated about the results and future proper use of the Report.

MEA understands that the Report is informational; however, numerous municipalities and agencies may come to rely on its findings and recommendations without additional, thorough scientific research at the local or state level. It is crucial to maintain an open dialog with the citizens that will be most affected by any forthcoming agency guidance, statutes, rules, or municipal ordinances that rely upon the Report. With this in mind, below are suggestions for members of the Manure Irrigation Workgroup (Workgroup) to consider:

1) Create a Frequently Asked Questions page on the Workgroup website.

Using all written comments received, the Workgroup should create a Frequently Asked Questions (FAQ) page on the website that addresses common concerns in a manner that is accessible to the public. The FAQ page would act as a first resource for interested parties to turn to when researching manure irrigation and as an efficient alternative to posing piecemeal questions directly to Workgroup members. A compiled comment archive and FAQ document is a manageable and important first step toward the Workgroup addressing the public's questions and concerns.

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2) Create and maintain a public website that lists all Concentrated Animal Feeding Operations (CAFOs) that are permitted to use manure irrigation practices.

The Wisconsin Department of Natural Resources (DNR) should create and maintain a public website that lists all CAFOs that use or are requesting to use or expand the practice of manure irrigation. The DNR interprets approval of manure irrigation as an insignificant change to a nutrient management plan that does not require public notice. The Report and follow-up webinar noted numerous concerns about the DNR's monitoring of CAFOs employing manure irrigation techniques; one way to alleviate some of those concerns is to create the requested website so that the public can understand if neighboring CAFOs are permitted to use this practice and if so, the constraints under which an operator is permitted to do so.

The Workgroup could also use the database as a starting point for any future manure irrigation research. A complete list of which farms are permitted to use manure irrigation, along with any restrictive application requirements, will allow both the interested public and the DNR to observe and record the use and impact of this practice. This could inform any future amendments to additions to the Report and, again, could save the DNR and Workgroup members from investing time in facility or incident-specific questions.

3) Offer training for all authorities that will rely on the findings of the report for permitting manure irrigation or creating related ordinances.

State regulatory agencies represented on the Workgroup could better ensure an accurate, uniform interpretation of the Report by offering training for County Conservationists and/or other permitting authorities at the local or state level. The training would help bridge the gap between the Report and how the Report is implemented into policy and decision-making. Public input could come in the form of sharing training outlines, slideshows, invites to training events, etc.

4) Provide contacts for concerned citizens or organizations to report if the Report is misused or misinterpreted.

It is possible that that permitting authorities and other members of the public or local government will inaccurately cite conclusions or consensuses from the Report. Anticipating that our organization will receive questions—for example, if a local government is considering enacting or voiding a ban on manure irrigation—MEA would like to confirm that Mark Borchardt is the appropriate contact for issues related to manure irrigation and pathogens and Ken Genskow is the point of contact for any other questions.

5) Reconvene the workgroup in one year to assess use of the Report.

MEA requests a reconvening of the Workgroup in approximately one year's time to review use of the Report by municipalities and/or state agencies. The forum should be open to the public, with time available for open comments or concerns to help the Workgroup determine whether any follow-up, further research, or amendments to the Report are necessary.

6) Create a wiki-page to cover all relevant future research that affects the findings.

To track manure irrigation research and make the Report a living document that evolves as new research and scientific consensus emerges, it is imperative to archive relevant studies and compile such studies in a publicly-accessible manner. MEA is willing to coordinate with the Workgroup to create the research page because we are confident that such a resource would be a valuable tool for all parties involved.

Thank you for the opportunity to discuss how the Workgroup can give Wisconsin residents a platform to voice legitimate concerns, and how to keep the public informed of the use of manure irrigation in their communities. If you have any further questions or comments, please do not hesitate to contact us.

Sincerely,

/s/

Adam Voskuil
Law Clerk
Midwest Environmental Advocates, Inc.

Cc via electronic mail: all Workgroup members