GROUNDWATER PROTECTION ORDINANCE SUBCOMMITTEE

Subcommittee of the Groundwater Citizens Advisory Committee

NOTICE OF MEETING

Tuesday, May 30th, 2017 at 7:00 P.M.
Conference Rooms 1 & 2, Portage County Annex Building
1462 Strongs Avenue, Stevens Point, WI

AGENDA

1. Call to Order
2. Review/Approval of Minutes from March 30, 2017
3. Presentation and Discussion on How Nitrogen Enters the Groundwater and Regulatory Challenges
4. Discussion of Alternative Actions to Ordinance
5. Next Meeting Date
6. Adjournment

Notice: A quorum of the Portage County Board of Supervisors or any committee thereof may be present at this meeting.

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Any person who has special needs, and plans on attending this meeting, should contact the Planning and Zoning Department as soon as possible to ensure that reasonable accommodations can be made.
Telephone 715-346-1334

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PLANNING AND ZONING DEPARTMENT

1462 STRONGS AVENUE, STEVENS POINT, WI 54481 • PHONE: 715-346-1334 • FAX: 715-346-1677

To: Groundwater Protection Ordinance Subcommittee

From: Jen McNelly, Water Resource Specialist

Date: May 23, 2017

Re.: May 30, 2017 Subcommittee Meeting

The Groundwater Protection Ordinance Subcommittee will hold a meeting on Tuesday, May 30, 2017 at 7 pm in Conference Rooms 1 & 2 of the Portage County Annex Building.

I want to remind the members of the subcommittee that you are coming together as a subcommittee, not to draft or write a groundwater protection ordinance but rather to review the proposed ordinance and learn about all options available to the County for groundwater management. The outcome of this process will be to provide recommendations to GCAC on whether Portage County should consider the use of an ordinance as well as any other recommendations to address the identified issues.

The first item of business on the agenda will be to review the minutes from the last subcommittee meeting. A hard copy of the revised draft groundwater protection ordinance was handed out at the last meeting, so one is not included with this packet. Should you need another copy it can be found online at http://www.co.portage.wi.us/home/showdocument?id=8240

Steve Bradley, Portage County Conservationist and Jen McNelly, Portage County Water Resource Specialist will give a presentation and host a discussion on how nitrogen enters the groundwater system and how that can or cannot be regulated at the County level. This presentation will include brief descriptions of local ordinances, state statutes, and federal regulations that all touch on the regulation of nitrogen.

Following the presentation there will be a discussion on what alternative practices and programs to manage groundwater are available to the County.

We look forward to meeting with all of you at the meeting on the 30th. If you are unable to attend please notify Amy Heins, Administrative Associate in the Planning and Zoning Office, as soon as you are able to. Her contact information is: 715-346-1334 or goffina@co.portage.wi.us. If you have any other questions or concerns you can contact Jen McNelly at 715-346-1334 or mcnellyj@co.portage.wi.us.

MINUTES
GROUNDWATER PROTECTION ORDINANCE SUBCOMMITTEE
MARCH 30, 2017

Roll Call
Members present: McFarlane, Jakubek, Mangin, E. Burns, Garth, and Droske. Member Excused: Cirmo
Staff present: McNelly, Heins, and Bradley, Planning & Zoning Department.

Others Present
Nathan Wolosek, Eric Southworth, Madge Bishop, Marry Maller, Todd Reif, Jon Abrahamson, Loren Fahlstom, Patrick Arneson, Eric Arneson, Wendy Arneson, Sean Arneson, Joseph Koob, Cody Hayfors, Santha Bickford, Don Lutz, Ron Hensler, Bob Stuczynski, Nancy & Konrad Chojnacki, Todd Knepfel, Glenn, Trudy Pederson, Helen Donahue, Bruce & Doreen Dimick, Leroy Donahue, Bill Leichtnam, Ray Reser, Meleesa Johnson, Gayle Hanneman, Kathi Thomas, Bill & Janice Seybold, Pete Arntsen, Connor Schodzel, Matt Hintz, Gale Gordon, Anne Abbott, Suzanne Fee, Henry Shaw, Alder David Shorr, Ken Schroeder – UW Extension, Bob Gifford – Portage County District 10, Barry Jacowski – Portage County District 23, and Patty Dreier – Portage County Executive.

1. CALL TO ORDER
The meeting was called to order at 5:05 p.m. by E. Burns.

2. REVIEW/APPROVAL OF MINUTES FROM FEBRUARY 23, 2017
McFarlane moved to approve the minutes as presented. Droske seconded the motion, which passed by voice vote, 6-0.

McNelly handed out a new draft ordinance to GCAC members. McNelly stated she received the new draft ordinance on March 29th, which includes a lot more information and recommendations. E. Burns stated we cannot discuss the ordinance tonight since members have not had a chance to read it. McNelly stated Kevin Masarik withdrew his presentation (agenda item #6) due to the new ordinance.

McNelly stated there are a few things happening in the next few upcoming months that may influence the discussion surrounding the ordinance such as the countywide sampling project. That project will take place in June, and they will be collecting water samples every 4 square mile which will allow us to create a snapshot in time of water quality across the entire County, and establish uniform baseline data that we can use for comparisons. McNelly stated Steve Bradley, County Conservationist, will also be approaching the Land and Water Conservation Committee with recommendations of changes to the Manure Management and Storage Ordinance.

McNelly stated there was recently a joint meeting with the Planning and Zoning, Agricultural and Extension Education, and Land and Water Conservation Committees to discuss the Groundwater Management Plan, and there was confusion/misunderstanding between the Groundwater Management Plan and this ordinance. McNelly stated she thought we could review these at the same time since they are in different committees, but that is not the case. E. Burns suggested to wait on the discussion of this ordinance until the Groundwater Management Plan is passed. Mangin asked what the confusion was. McNelly stated people were thinking the ordinance was the Groundwater Management Plan or that parts of the ordinance were included in the plan, and because of that we have received a lot of pushback on the plan from the public. E. Burns asked if there was a timeline for the joint committees in regards to passing the Groundwater Management Plan. McNelly replied no, there are suggested revisions the committees would like to see before moving forward. E. Burns asked if any members object to postponing the ordinance. Mangin agreed, as the ordinance is based upon recommendations made in the plan. Reser asked if the Subcommittee is confused. Members replied no. Reser asked how long the ordinance would be postponed. McFarlane stated this new draft ordinance is substantially larger and he had spent a lot of time on the previous plan, and before he spends any more time reviewing it he wants to make sure he is not going to receive a different plan at the next meeting. Abbott stated this is an improved ordinance, and would hate to put this on hold as she does not want to lose momentum.

Lutz shared a handout on environmentally smart nitrogen that can be used, that has a lot lower leaching rate. Lutz stated there are dozens of different practices available; we do not necessarily need an ordinance. E. Burns agreed, and stated that is a good discussion to have, and look at what other farmers are doing as they are all different.

Arntsen stated there is no plan to keep resubmitting ordinances; the first draft was a reference to Kewaunee

County, and this new draft has been cleaned up and made more specific for Portage County. E. Burns stated there is a lot going on and the Groundwater Management Plan should be passed first. McNelly stated it is ultimately up to the Subcommittee; do you want to continue these meetings and conversations, or do you want to wait until the Groundwater Management Plan is further along.

Mangin asked how severe the requested changes were to the Groundwater Management Plan. McNelly stated the goals, actions, and objectives were not touched. There was additional discussion on the hydrology of the west side of the river compared to the east side, and a request to discuss additional farming practices being used. Mangin stated it sounds like these requests will help round out the plan with additional information and clarifications. McNelly agreed. McNelly stated the nitrate/nitrogen maps will be reexamined with different time periods. The 3 committees also want to look at the transient non-community drinking water sources as they are required to sample regularly. Mangin asked for a timeline. McNelly replied she believes it will be approved in April for a May public hearing, and then go to County Board in June.

Mangin asked when the countywide well test results would be completed. McNelly replied by August. E. Burns asked for a motion to postpone the ordinance until the end of summer that way the Groundwater Management Plan is completed/approved, and the well test data is completed. McFarlane stated he would like to stay on track and not postpone that far out, and suggested another presentation by Abbott/Reser/Arntsen with the new information brought forth in the recent draft ordinance. Mangin agreed with McFarlane, and stated it is up to us to provide clarification on any confusion there might be between the plan and the ordinance. McNelly stated she has been to the Towns Association, and has been working on clarifying as much as possible. Bradley stated the benefit of holding off would be the participation of the agricultural community; if we do not hold off they will be far too busy with farming, and we do not want their voice to be unheard. McFarlane stated the Subcommittees role is to look at the ordinance to see if it is even needed, not necessarily the details at this time. Bradley stated there is a lot in the ordinance that effects the agricultural community, and it would be hard to do without them present. Jakubek agreed to hold off on the meetings as the agricultural community input is very important.

Abbott stated no county or town ordinance can supersede State law; therefore, we have to think of the "best practice" and that will always change. Schroeder stated 590 nutrient management recommendations recently went through review and they are working on updating the standards. Bradley stated 590 was updated last year, and now they are working on incorporating into State code which is what they were taking public comments on.

McNelly suggested postponing for a few months until the Groundwater Management Plan is approved. Abbott stated the ordinance does take a public health stand; nitrates are increasing and causing health problems, and everyone's time is valuable. Jakubek stated this could push farmers out of business, and we need to listen to both sides. Arntsen stated the Subcommittee is looking at this ordinance to approve whether we need it or not, and asked McNelly what the ultimate destination is for this ordinance. McNelly replied she is unsure, and stated an ordinance is not normally done this way. McNelly stated our prime role is to discuss our issues, figure out how to address them, and decide if an ordinance is an appropriate tool to address these things.

E. Burns stated he would like to see the Groundwater Management Plan more stable and further along before working in the ordinance. McFarlane agreed, but does not want to see this postponed too long. McNelly asked if they would like a meeting held after the plan has been through a public hearing. Droske agreed with McFarlane. Frost stated an ordinance is not the only solution; most success stories come from collaborations of people working together (public and farmers), and suggested discussing all options.

Jakubek made a motion to postpone the meeting, and meet again no later than June 30, 2017; seconded by Frost. McKnight voiced concern with postponing meeting. E. Burns replied it is necessary as they just received a new draft ordinance. Reser stated there is no substantial differences in the ordinances, and does not see an issue with continuing meetings. McNelly replied there has been a lot of confusion, and some concerns that this may even effect the passing of the Groundwater Management Plan. Bradley stated the ordinance also has a few things that exceed State standards. Reser stated it comes down to rising nitrates and public health issues; if an ordinance is not the answer, we need to discuss other options. Reser stated this ordinance is a list of recommendations. Bradley suggested looking into the laws that the State is not enforcing, and see what the County can do.

Droske suggested changing the motion to have the next meeting no later than June 1, 2017. Jakubek amended the date of her motion to June 1, 2017. Mangin suggested looking at other possible options other than the ordinance at the next meeting. Motion passed by voice vote, 6-0.

McNelly stated she will schedule the next meeting prior to June 1, 2017.

3. DISCUSSION OF "CHECKLIST" FOR CONSIDERATION OF ORDINANCE
No formal discussion.

4. DISCUSSION ON ANY ADDITIONAL INFORMATION PERTAINING TO NUTRIENT MANAGEMENT CONCERNS/QUESTIONS
No formal discussion.

5. DISCUSSION OF FEDERAL, STATE, AND LOCAL STATE STATUTES ADDRESSING ITEMS IN THE PROPOSED ORDINANCE
No formal discussion.

6. DISCUSSION OF POTENTIAL IMPACTS OF ORDINANCE ON GROUNDWATER QUALITY AND OTHER RECOMMENDATIONS
No formal discussion.

7. NEXT MEETING DATE
McNelly stated the next meeting date is to be determined, but will take place prior to June 1, 2017.

8. ADJOURNMENT
Jakubek moved to adjourn the meeting; seconded by Frost. Meeting adjourned at 6:10 p.m.

Amy Heins, Recording Secretary	Ed Burns, Chair	Date