

Chapter 10: Organic Waste and Confined Animal Feeding Operations Laws

State organic waste and confined animal feeding operations laws

Of the 17 states surveyed, only Iowa and Oregon have laws dealing with confined animal feeding operations specifically. Many other states make provisions for organic waste and confined animal feeding operations in their water quality and management and air quality laws.

Iowa law simply mandates that all persons who operate feedlots must comply with the applicable departmental rules and zoning requirements. Oregon law is more detailed. The Oregon Confined Animal Feeding Operations (CAFO) law is comprehensive in regulating confined animal feeding operation (CAFO) and water quality. Under this law, all CAFO operations with a waste water disposal system having no direct discharge of pollutants to waters of the state must be covered under a water pollution control facility permit (WPCF). The Oregon Department of Environmental Quality has issued a general permit to cover all existing CAFO facilities that are in compliance with the standards and rules. Existing CAFO's that are in compliance may choose to be either under the general permit or an individual WPCF permit. Furthermore, Oregon CAFO law specifies that any CAFO facility that has a direct discharge of wastewater to surface waters of the State is not eligible for coverage by a WPCF permit. This type of operation must obtain an individual National Pollutant Discharge Elimination System permit.

Iowa (region 5).—Under the Iowa Livestock Feedlots law,²²⁰¹ all persons who operate feedlots must comply with the applicable rules of the department²²⁰² and zoning requirements.²²⁰³

Oregon (region 9).—The Oregon Legislature enacted the Confined Animal Feeding Operations law primarily to protect water quality. Confined animal feeding operation (CAFO) is defined as the concentrated feeding or holding of animals or poultry in buildings, pens, or lots where the surface has been prepared to support animals in wet weather or where the concentration of animals has destroyed the vegetative cover and the natural filtrative capacity of the soil.

The CAFO law designates the Oregon Department of Environmental Quality (DEQ) to be fully responsible for administering this law. However, in practice, the cooperative agreement between DEQ and the Oregon Department of Agriculture's Soil and Water Conservation Division (S&WCD) also involves the division in the CAFO process.

Under the CAFO law, all CAFO operations with a wastewater disposal system having no direct discharge of pollutants to waters of the State must be covered under a Water Pollution Control Facility (WPCF) Permit. A wastewater disposal system is defined to mean a system that collects, handles, treats, and disposes of liquid waste and/or liquid manure. However, if a CAFO facility has another type of

²²⁰¹Livestock Feedlots, IOWA CODE ANN. § 172D.1 through 172D.4 (West 1990).

²²⁰²Id. § 172D.3(2).

²²⁰³Id. § 172D.4.

waste disposal (a system that handles dry manure), it is not required that the CAFO be permitted under a WPCF permit.

The Oregon Department of Environmental Quality has issued a general permit to cover all existing CAFO facilities that are in compliance with the standards and rules. Existing CAFO's, which are in compliance, may either choose to be under the general permit or obtain an individual WPCF permit. However, CAFO's that are not in compliance with the standards and rules are required to have an individual WPCF permit. There are differences between a general permit and a WPCF permit. Mainly, an individual WPCF permit is more costly to obtain and CAFO's under an individual permit will be closely monitored by DEQ. The division in cooperation with DEQ distributes the general permit, and DEQ issues the individual WPCF permits.

To obtain new CAFO's or to modify or expand existing CAFO's, the DEQ regulations require the interested person to obtain an individual WPCF permit from DEQ. To obtain this permit, a person must submit plans and specifications for the facility and operation along with other information necessary to give a complete and descriptive proposal to DEQ for approval. The submission must include the following:

- Location map.
- Topographic map.
- Climatological data.
- Information regarding occurrence of usable ground water and typical soil types.
- Estimated maximum number and types of animals.
- Detailed plans and specifications.
- Details of feed preparation, storage, handling, and use.
- Land available for manure application.
- Other information as may be required by DEQ.

All waste control facilities and CAFO's are to be designed, constructed, maintained, and operated as follows:

- Such that manure, contaminated drainage water, or other wastes do not enter the water of the State at any time. "Water of the state" is defined to include all bodies of water, whether they are surface or underground, natural or artificial, inland or coastal, fresh or salt, public or private.
- To be in compliance with the "Guidelines for the Design and Operation of Animal Waste Control Facilities".²²⁰⁴ Moreover, DEQ also recognizes the Oregon Animal Waste Installation Guidebook.

Pollution control tax credits may be available for these facilities. Questions or applications for tax credit will be handled by the DEQ.

Under the CAFO law, the operator desiring a new CAFO or a substantially modified or expanded existing CAFO, which has been permitted under an individual WPCF

²²⁰⁴Guidelines for the Design and Operation of Animal Waste Control Facilities, Oregon Administrative Rules, DEQ, § 340-51-040 through 340-51-080.

permit, can file for a general permit after 1 year of operation if compliance has been demonstrated.

Oregon CAFO law specifies that any CAFO facility that has a direct discharge of wastewater to surface waters of the State is not eligible for coverage by a WPCF permit. This type of operation must obtain an individual National Pollutant Discharge Elimination System (NPDES) permit.

Depending on the facilities, permits issued may be required by the Oregon Water Resource Department (WRD). Generally, if an impoundment only stores or treats wastewater from a CAFO, a permit is not required to store or apply the wastewater. However, if clean water is introduced into an impoundment for the purpose of irrigation, permits may be required to store and apply the water. If a storage facility involves a dam or dike that is 10 feet or greater in height or stores 9.2 acre-feet of water or more, plans must be prepared by an Oregon-licensed engineer and be approved by the WRD.

The DEQ and the division have entered into a cooperative agreement for dealing with CAFO complaints. Under this agreement, the division will respond to all complaints to determine their veracity. If the complaint is valid, the Soil and Water Conservation District (SWCD) will offer technical assistance to the CAFO in resolving the pollution program. However, if the CAFO does not make a good faith effort to resolve the violation, the district will refer the CAFO to the division. Moreover, the division will make a final attempt to obtain voluntary cooperation prior to referring the CAFO to the DEQ for enforcement.

Organic waste laws in selected counties

Geographically located within Wisconsin, both Clark County and Adams County have similar ordinances concerning animal waste management. All individuals who design and/or construct, install, reconstruct, enlarge or substantially alter any animal waste facility on land, or who employ others to do the same, are subject to these ordinances. Before commencing any of these described activities, these individuals must procure permits from the zoning administrators. Permit application must include an animal waste storage facility plan, the sketch of the facility and its location, and the location of any wells within 300 feet. However, exemption from the permit requirement is available when one performs emergency repairs affecting the structural integrity of the equipment.

Clark County, Wisconsin (region 4).—The Clark County Animal Waste Storage Facility Ordinance, applicable to the entire geographical area of Clark County,²²⁰⁵ was adopted by the Clark County Board of Supervisors in 1985 and amended in 1993.²²⁰⁶ The board recognizes that the storage of animal waste in storage facilities have not met the technical design and construction standards. This causes pollution of the county surface and ground waters, which may result in actual or potential harm to the health of the county residents, livestock, aquatic life, and other animals and plants, and affect the property tax base.²²⁰⁷

²²⁰⁵Clark County Animal Waste Storage Facility Ordinance, WI § 16.16.050 (1993).

²²⁰⁶Clark County Animal Waste Storage Facility Ordinance, ch. 16.16, adopted in 1985 and amended in 1993.

²²⁰⁷Id. § 16.16.030.

Under this ordinance, all persons who design or construct, install, reconstruct, enlarge, or substantially alter any animal waste facility on land, or who employ others to do the same, are subject to all provisions of this ordinance.²²⁰⁸ Individuals who engage in such activities are required to procure a permit from the zoning administrator before beginning these activities.²²⁰⁹ However, there is an exception to this permit requirement. Emergency repairs affecting the structure integrity of the equipment may be performed without a permit.²²¹⁰ Each permit application must include an animal waste storage facility plan detailing a number of factors such as the number and kinds of animals, the duration for which storage is provided; the sketch of the facility and its location, and the location of any wells within 300 feet.²²¹¹ Moreover, the zoning administrator may revoke any issued permit if the permit holder has misrepresented any material fact in the permit application or violated any of the conditions of the permit.²²¹²

The permit applicants must comply with the following *setback* standards:

- The setback from wells must be at least 300 feet.²²¹³
- The setback from Class A Highways (all State and Federal highways) must be 110 feet from the centerline of the highway or 50 feet from the right-of-way line, whichever is greater.²²¹⁴
- The setback from Class B Highways (all county trunks) must be 75 feet from the centerline of such highway or 42 feet from the right-of-way lines, whichever is greater.²²¹⁵
- The setback from Class C Highways (all town roads, public streets, and highways not otherwise classified as Class A or B) must be 63 feet from the centerline of such highway or 30 feet from the right-of-way line, whichever is greater.²²¹⁶
- Except for open fences, no animal waste facility may be constructed more than 300 feet above the natural grade within the visual clearance triangle. The ordinance demands a visual clearance triangle in each quadrant of every public street intersection, bounded by the street centerlines and line connecting points on them.²²¹⁷
- Animal waste storage facilities must be located at least 300 feet from any navigable water and must be designed to protect navigable waters and drainage ways from accidental spills and runoff from loading areas.²²¹⁸
- The base of above-grade animal waste storage facilities located in a flood plain must be a minimum of 200 feet above the regional flood level.²²¹⁹

²²⁰⁸Clark County Animal Waste Storage Facility Ordinance, WI § 16.16.200.

²²⁰⁹Id. § 16.16.210.

²²¹⁰Id. § 16.16.340.

²²¹¹Id. § 16.16.360.

²²¹²Id. § 16.16.390 (1993).

²²¹³Id. § 16.16.270.

²²¹⁴Id. § 16.16.280.A.

²²¹⁵Id. § 16.16.280.B.

²²¹⁶Id. § 16.16.280.C.

²²¹⁷Id. § 16.16.280.D.

²²¹⁸Id. § 16.16.290 (1993).

²²¹⁹Clark County Animal Waste Storage Facility Ordinance, WI § 16.16.300.B. The below-grade animal waste storage facilities are subjected to a separate technical guide standard. Id. § 16.16.300.A.

- All animal waste storage facilities must be located at least 50 feet from a property line.²²²⁰
- All animal waste storage facilities must be located at least 500 feet from any residential building.²²²¹

The ordinance designates the zoning administrator and county conservationist to administer, and the zoning administrator to enforce the provisions of the county ordinance.²²²² In addition to the general delegation of authority, the ordinance provides a number of responsibilities to the administrator (or the county conservationist in case of the administrator's absence), including—

keeping an accurate record of all permit applications, animal waste facility plans, issued permits, inspections;²²²³

reviewing permit applications and issuing permits;²²²⁴

investigating complaints relating to compliance with the ordinance;²²²⁵

entering upon lands to inspect the land before or after permit issuance, or both, to determine compliance;²²²⁶ and

issuing an order to stop work upon land that has had a revoked permit or on land currently under investigation.²²²⁷

To effectuate the compliance, the ordinance further provides penalties for violations. For each violation, violators of the ordinance are subjected to a fine of at least \$50 but less than \$500 plus costs of prosecution. Each day a violation exists constitutes a separate offense.²²²⁸ In addition to the remedy of imposing a fine, the county may also seek enforcement by court actions seeking injunctions or restraining orders.²²²⁹

Adams County, Wisconsin (region 4).—The Adams County Board of Supervisors has recently drafted the Adams County Animal Waste Management Ordinance,²²³⁰ which shall be applicable to the entire geographical area of Adams County.²²³¹ Although, by the time this report was written, the Adams County Board had not adopted the ordinance, and subsequently, its effective date had not yet been determined, the draft of the Adams County Animal Waste Management Ordinance will be discussed in the following paragraphs.

Similar to Clark County's Board, the Adams County Board recognizes that storage of animal waste in storage facilities do not meet technical design and construction standards, thereby, causing pollution of the surface and ground waters of Adams

²²²⁰Clark County Animal Waste Storage Facility Ordinance, WI § 16.16.310.

²²²¹Id. § 16.16.320.

²²²²Id. § 16.16.400.

²²²³Id. § 16.16.410.A.1.

²²²⁴Id. § 16.16.410.A.2 (1993).

²²²⁵Id. § 16.16.410.A.3.

²²²⁶Id. § 16.16.420.

²²²⁷Id. § 16.16.430.

²²²⁸Id. § 16.16.440.

²²²⁹Id. § 16.16.450.

²²³⁰Adams County Animal Waste Ordinance, WI § 1.01 et seq. (1995).

²²³¹Id. § 1.05.

County, which may result in actual or potential harm, or both, to the health of the county residents, livestock, and its property tax base.²²³²

Similar to the Clark County Animal Waste Management Ordinance, it provides that all persons who construct, install, reconstruct, enlarge, or substantially alter an animal waste storage facility on land, or who employ other persons to do the same, are subject to all provisions of this ordinance.²²³³ It specifies that all persons who undertake any of the above activities must obtain a permit from the county conservationist before beginning the proposed activity.²²³⁴ However, the permit requirement may be exempt if emergency repairs such as repairing a broken pipe or equipment, leaking dikes, or the removal of stoppages are required. Moreover, if such repairs will alter the original design and construction of the facility significantly, a report must be made to the county conservationist within 1 day of the emergency for the conservationist to determine whether a permit is required or not.²²³⁵

Similar to Clark County's Animal Waste Management Ordinance, the Adams County Ordinance also requires applicants to include an animal waste storage facility plan in the permit application.²²³⁶ The Adams County Ordinance requires that the applicant provide a number of specifications in the animal waste storage facility plan. Moreover, interestingly, these specifications required by Adams County are almost identical to those required by Clark County.²²³⁷ However, different from the Clark County Ordinance, the Adams County Ordinance further requires the permit application to include a nutrient management plan.²²³⁸ Moreover, the nutrient management plan must specify a number of factors, including—

plans for use of animal waste, including the amount of land available for application of waste;

identification of the areas where the waste will be used;

soil types and any limitations on waste application because of soil limitations; and

type and proximity of bedrock or water table, slope of land, and proximity to surface water.²²³⁹

²²³²Adams County Animal Waste Ordinance, WI § 1.03.

²²³³Id. § 3.01.

²²³⁴Id. § 5.01.

²²³⁵Id. § 5.02.

²²³⁶Id. § 5.04.

²²³⁷Compared between Clark Animal Waste Ordinance § 16.16.360 (1993) and Adams County Animal Waste, draft § 5.04 (1995).

²²³⁸Adams, animal, draft § 5.04 (1995).

²²³⁹Compared between Clark Animal Waste Ordinance § 16.16.360 (1993) and Adams County Animal Waste, draft § 5.05.

Organic waste and confined animal feeding operations laws in selected townships

Several townships in Lancaster County, Pennsylvania, enacted ordinances for confined animal feeding. They all require residents interested in activities that involve animal waste facilities to obtain a permit before engaging in such activities. These ordinances also require applicants to submit an animal waste storage facility plan to the zoning administrator.

Bart Township, Lancaster County, PA (region 1).—The Zoning Ordinance of Bart Township provides that within the Non-Agricultural Conservation District, no manure storage can be established closer than 100 feet of any property line.²²⁴⁰

Brecknock Township, Lancaster County, PA (region 1).—The Township of Brecknock Zoning Code provides that all manure storage structures must be constructed in compliance with the Natural Resources Conservation Service specifications.²²⁴¹ Moreover, all inground manure pits are required to have a 6-foot fence enclosing them.²²⁴²

Caernarvon Township, Lancaster County, PA (region 1).—In 1987, the Board of Supervisors of the Township of Caernarvon enacted the Caernarvon Township Animal Waste Ordinance.²²⁴³ The ordinance requires all persons who erect or construct an animal waste storage facility to obtain permit from the board.²²⁴⁴ The board can issue such permit only after a determination that the proposed construction and operation will not adversely affect the health, safety, and welfare of the residents of Caernarvon Township.²²⁴⁵

All persons who wish to install, erect, or construct an animal waste storage facility and the owners of the land where such facility is placed are responsible for the following regulations:²²⁴⁶

- Animal waste storage facilities must be designed in compliance with the guidelines in the publication “Manure Management for Environmental Protection” and any revisions or supplements published by the Pennsylvania Department of Environmental Resources.
- All animal storage facility designs must be reviewed by the Lancaster County Conservation District.
- Construction and subsequent operation of such facility must be in accordance with the permit and the approved design.
- Animal waste storage facilities cannot be located closer than 150 feet from all property lines and street right-of-way lines.

²²⁴⁰Zoning Ordinance of Bart Township, Lancaster County, PA, adopted in 1970, *amended* in 1989, § 1201.

²²⁴¹Township of Brecknock Zoning Ordinance, ch. 110, § 110-38.A.(2) (1993).

²²⁴²*Id.* § 110-38.A.(3).

²²⁴³Caernarvon Township Animal Waste Ordinance, Ordinance No. 44, Lancaster County, PA § 1 et seq. (1987).

²²⁴⁴*Id.* § 3.

²²⁴⁵*Id.* § 5.

²²⁴⁶*Id.* § 6.

- Animal waste storage facilities must be designed so as to prevent access by livestock, pets, and children.
- A fence must surround uncovered animal waste storage facilities.²²⁴⁷

However, these regulations may be waived by the board if the applicant can show the following—

- compliance is unreasonable,
- compliance causes hardship as it applies to this particular property, or
- an alternative proposal will allow for equal or better results.²²⁴⁸

The board is required to issue a written Cease and Desist Order to individuals who violate any provision of this ordinance, ordering the violators to cease and desist such violations within 24 hours. However, failure to issue such order will not constitute a defense to prosecution or other enforcement action.²²⁴⁹

Violators of any provision of the ordinance are imposed a fine of not more than \$300 and the cost of prosecution. Each additional day's violation constitutes a separate offense.²²⁵⁰ Moreover, in addition or in lieu of the described penalties or remedies, the board may also institute actions at law or equity for damages or for injunctive relief or for any other appropriate relief.²²⁵¹

East Lampeter Township, Lancaster County, PA (region 1).—Under the East Lampeter Township Zoning Ordinance, waste storage facilities are permitted as an accessory use on a farm.²²⁵² However, this use is subject to a number of requirements. They are as follows:

- Waste storage facilities must be designed in accordance with the guidelines outlined in the publication “Manure Management for Environmental Protection” issued by the Pennsylvania Department of Environmental Resources.
- The Lancaster County Conservation District must review waste storage facility designs.
- Construction and subsequent operation of the waste storage facility must be in compliance with the provisions of the zoning permit and the approved design.
- Waste storage facilities must not be located within 500 feet of any building being used for human habitation; not within 300 feet of any property or street right-of-way lines. However, this limitation does not prevent the location of the waste storage facilities within 500 feet from any building used for human habitation on the property of the landowner.

Finally, the ordinance specifies that the commercial keeping and handling of poultry, livestock, and other domestic or wild animal cannot be maintained on lots

²²⁴⁷Fences must be (1) at least 6 feet high, measured from ground floor outside the facility; (2) with linear openings no greater than 3 inches; and (3) composed of wood, metal or other durable material at least equivalent in strength of wood or metal, sufficient to prevent access by livestock, pets and children. Id.

²²⁴⁸Caernarvon Township Animal Waste Ordinance, Ordinance No. 44, Lancaster County, PA

²²⁴⁹Id. § 8.

²²⁵⁰Id. § 9.

²²⁵¹Id. § 10.

²²⁵²East Lampeter Township Zoning Ordinance, PA § 1809 (1991).

of less than 10 acres within the R-1, R-2, and R-3 Residential Districts, the C-1 and C-2-Commercial Districts, and the Industrial District.²²⁵³

Eden Township, Lancaster County, PA (region 1).—Waste storage facilities are regulated under the Zoning Ordinance of Eden Township.²²⁵⁴ Interestingly, similar to that of East Lampeter Township, the Eden Township Ordinance permits waste storage facilities as an accessory use to a farm, subject to almost identical requirements. The Eden Township Ordinance requires that such facilities be located no closer than 150 feet from all property lines and street right-of-way lines.²²⁵⁵

Ephrata Township, Lancaster County, PA (region 1).—In 1983, the Township of Ephrata enacted the Ephrata Township Animal Waste Ordinance²²⁵⁶ that forbids any erection or construction of an animal waste storage facility without obtaining a permit from the Board of Supervisors.²²⁵⁷

The ordinance provides that all individuals who wish to erect, install, or construct animal waste storage facility, and the owners of property where such facility is located must comply with the following regulations:²²⁵⁸

- All animal waste storage facilities must be designed in accordance with the guidelines outlined in the most recent edition of Technical Guide Section IV of the U.S. Department of Agriculture, Soil Conservation Service Engineering Standards.
- Animal waste storage facility designs must be reviewed and approved by the Lancaster County Conservation District before permit issuance.
- Construction of an animal waste storage facility must be in compliance with the permit and the approved design.

In addition, the ordinance provides that all violators of any provisions of the ordinance are subject to a fine of no more than \$100 plus the cost of prosecution. Each additional day's violation constitutes a separate offense.²²⁵⁹

Little Britain, Lancaster County, PA (region 1).—The Zoning Ordinance of the Township of Little Britain provides that no person can construct a manure storage facility until the property owner obtains a permit from the zoning officer.²²⁶⁰ The zoning officer must issue the permit if determined that the health, safety, and welfare of the residents of Little Britain Township will not be adversely affected by the proposed construction and operation of a manure storage facility and receives the required documentation.²²⁶¹

²²⁵³East Lampeter Township Zoning Ordinance, PA § 1809 (1991).

²²⁵⁴Eden Township Zoning Ordinance, PA § 1053 (1989).

²²⁵⁵Id. § 1053 (1989).

²²⁵⁶Ephrata Township Animal Waste Ordinance, PA § 1 et seq.

²²⁵⁷Id. § 3.

²²⁵⁸Id. § 6.

²²⁵⁹Id. § 7.

²²⁶⁰Zoning Ordinance, Township of Little Britain, PA. § 814.a.

²²⁶¹Id. § 814.c.

All persons who wish to install a manure storage facility and the owners of the property where such facility is located are subject to the following regulations:²²⁶²

- The manure storage facility must be located in a place to provide maximum efficiency of the selected manure handling system without prohibiting future expansion of the barn and other permanent construction. The considerations in site section include—
 - the site should be well drained and not subject to flooding or wet weather fluctuations in the water table that might result in ground water pollution;
 - storage facility must be constructed in ways that will lead to low permeability to decrease the possibility of environmental contamination;
 - the storage facility should be at least 100 feet from the source of water supply and preferably downhill from it, 200 feet from any property line or right-of-way, and 300 feet from neighboring dwellings; and
 - in a dairy operation, the facility should be a reasonable distance from a milking center, and where possible, on the opposite side of the barn.
- Manure storage facilities must be designed in accordance with the guidelines outlined in the Manure Management for Environmental Protection publication.
- Manure storage facility designs must be reviewed and approved by the Lancaster County Conservation District.
- Construction and subsequent operation of the manure storage facility must be in compliance with the permit and the approved design.
- All manure storage facilities must be walled or fenced to prevent uncontrolled access by children. Such barriers must not be less than 4 feet high and maintained in good condition.

Pequea Township, Lancaster County, PA (region 1).—In 1989, the Board of Supervisors of the Township of Pequea enacted the Pequea Township Livestock and Poultry Manure Management Ordinance²²⁶³ to ensure that poultry or livestock operations within the township are not mismanaging nutrients and are not contributing to the pollution of the Chesapeake Bay.²²⁶⁴

Livestock or poultry operations that exist before or on the effective date of this ordinance (December 11, 1989) are not subject to the provisions of this ordinance except if—

the concentration of livestock or poultry raised by such operation exceeds normal seasonable changes; or

the storage, handling, or disposal of manure or the application of fertilizer by operation is in violation of the applicable standards, and that such violation is causing or is substantially threatening to cause pollution to ground or surface waters.²²⁶⁵

All other operations (including the new operations and those subject to the ordinance) are required to obtain a permit from the township before operation. An

²²⁶²Zoning Ordinance, Township of Little Britain, PA. § 814.d.

²²⁶³Pequea Township Livestock and Poultry Manure Management Ordinance, No. 79, PA § 1 et seq. (1989).

²²⁶⁴Id. § 2.

²²⁶⁵Id. § 4.

operation is not considered as a new operation because of transfer of ownership or change in make-up of proportionate shares of ownership within the operation.²²⁶⁶

To obtain a permit, the applicant must submit a Nutrient Management Plan, describing the Nutrient Management Program. The program is the "schedule of activities undertaken or to be undertaken by a person required to obtain a permit for the minimization of pollution to ground or surface waters through the management of animal waste and fertilizer."²²⁶⁷ The ordinance requires the Nutrient Management Plan to include the following information:²²⁶⁸

- The number of livestock or poultry being raised or expected to be raised on the tract of land to be permitted.
- The amount of manure expected to be generated from the raised livestock or poultry during 1 year.
- A statement of the planned disposition of the manure amount indicated.
- A scaled map(s) indicating the location or expected locations of all structures where livestock or poultry are, or will be raised, and all structures and field where manure is proposed to be stored or applied.
- If any land that is used for receipt of manure or disposal is not owned by the person maintaining the livestock or poultry operation, a written consent of such ownership permitting the application or disposal of manure by the livestock or poultry operation is required.
- A written Soil Conservation Farm Plan developed for the land on which manure is proposed to be stored or applied.

The Nutrient Management Plan must comply with the criteria set forth in the Manure Management for Environmental Protection publication issued by the Department of Environmental Resources of Pennsylvania.²²⁶⁹ Moreover, all operations and facilities must comply with the Pequea Township Zoning Ordinance and any other applicable township ordinances.²²⁷⁰

Salisbury Township, Lancaster County, PA (region 1).—The Zoning Ordinance of Salisbury Township allows commercial poultry operations in the Agricultural Zone as a special exception.²²⁷¹ However, as a special exception, it is subject to a number of criteria. They are as follows:

- The minimum lot area must be 10 acres.²²⁷²
- Any area used for the housing of poultry must be setback at least 200 feet from all property lines and 500 feet from any residential zone.²²⁷³
- The applicant must provide evidence from the Lancaster Conservation District that the proposed use has an approved manure management plan that complies with the PA-DER Manure Management for Environmental Protection

²²⁶⁶Pequea Township Livestock and Poultry Manure Management Ordinance, No. 79, PA § 5.A.

²²⁶⁷Id. § 3.

²²⁶⁸Id. § 6.A.

²²⁶⁹Id. § 6.B.

²²⁷⁰Id. § 6.D.

²²⁷¹Zoning Ordinance of Salisbury Township, PA § 417.1.

²²⁷²Id. § 417.2.

²²⁷³Id. § 417.3.

publication. Moreover, all subsequent operations conducted on the site must strictly adhere to this approved manure management plan.²²⁷⁴

Application for special exception requires compliance of the following requirements:

- Filing requirements.²²⁷⁵
- The proposed use must be consistent with the purpose and intent of the Zoning Ordinance.²²⁷⁶
- The proposed use must not detract from the use and enjoyment of adjoining or nearby properties.²²⁷⁷
- The proposed use will not substantially alter the character of the subject property's neighborhood.²²⁷⁸
- Adequate public facilities are provided to serve the proposed use.²²⁷⁹
- If the proposed use is within the flood plain zone, all requirements for the flood plain zone must be complied.²²⁸⁰ The proposed use must comply to all applicable regulations set forth in this ordinance.²²⁸¹
- The proposed use must not substantially impair the integrity of the Township's Comprehensive Plan.²²⁸²

Finally, in approving special exception applications, the Zoning Hearing Board may attach conditions considered essential to protect the public welfare and the ordinance's purposes, including conditions that are more restrictive than those established for other uses in the same zone.²²⁸³

Warwick Township, Lancaster County, PA (region 1).—In 1988, the Warwick Township Livestock and Poultry Manure Management Ordinance was enacted.²²⁸⁴ The Warwick Township Livestock and Poultry Manure Management Ordinance is identical to that of Pequea Township.

²²⁷⁴Zoning Ordinance of Salisbury Township, PA § 417.4.

²²⁷⁵Id. § 604.3.a. This process includes—
 the building permit information;
 ground floor plans and elevations of proposed structures;
 names and addresses of adjoining property owners including properties directly across a public right-of-way;
 a scaled or dimensioned drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of the Ordinance; and
 a written description of the proposed use in sufficient detail to demonstrate compliance with all applicable provisions of the Ordinance. Id. All site plan presented in support of the special exception must become an official part of the record for the special exception. Id. § 604.3.d.

²²⁷⁶Zoning Ordinance of Salisbury Township, PA § 604.3.b(1).

²²⁷⁷Id. § 604.3.b)2).

²²⁷⁸Id. § 604.3.b)3).

²²⁷⁹Id. § 604.3.b)4). Public facilities include schools, fire, police and ambulance protection, sewer, water and others.

²²⁸⁰Id. § 604.3.b)5).

²²⁸¹Id. § 604.3.b)6).

²²⁸²Id. § 604.3.b)7).

²²⁸³Id. § 604.3.c).

²²⁸⁴Warwick Township Livestock and Poultry Manure Management Ordinance § 201 et seq. (1988).