**Conditional Use Analysis**

**Issue Concern Evidence/pro or con Condition/Solution Evidence of Ability**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 1. Processing 800,000 gpd manure treatment is a remarkable and unprecedented size | 1. Pollution at site spillage at site
2. System larger than ever tried before
 | 1. Berm to contain- completely enclosed site at least 110% of largest single tank capacity-
2. Monitoring Alarms
3. No evidence that volume is a concern to processing, only to potential of pollution if spilled
 | 1. Site plan subject to town and DNR approval to contain any spill
2. Spill compliance plan including notice and restoration
 | 1. Purpose of the operation
2. Site plan review should require as condition
 |
| 2. Solids transferred from site | Traffic hazard | Dry material coming from trucks could cause traffic issue | 1. Covered truck removing solids
2. Dry material routing and recipients
3. Spill response plan
 | Require as conditions |
| 3. Phosphorous and other pollutants  | High concentration of phosphorus and other pollutants at site | 1. There will be a high concentration at the site
2. No new phosphorus is being created
3. Phosphorus will potentially be removed from area as solids transferred from site
4. Water returned to site should be phosphorus free
 | 1. Containing manure as provided in Issue 1 is essential
2. Compliance with operations plan should address any other concerns.
 | 1. WPDES permit
2. DNR water quality permit
3. Redundant analysis
 |
| 4. Manure Pipeline security and maintenance | 1. 75% of Manure volume to be delivered by pipeline
2. Use of ROW/utility easement
3. Construction issues
4. Restoration issues
 | 1. Volume admitted and amount is substantial
2. Potential for odor and rupture-
3. Otherwise lowers need for truck traffic
 | 1. Pipeline plans
2. ROW agreement
3. Pipeline route restoration after construction
4. List of pipeline users
5. Notice of any change of pipeline users
6. Immediate notice of any rupture or spill
7. Insurance for pollution to include pipeline spills/ruptures and cleanup
 | 1. Subject to WDNR permit
2. Require ROW/ utility easement agreement
3. Require insurance and rider naming Town as additional insured
4. Applicant to register pipelines with diggers hot line and administer any locates and breeches
 |
| 5. Site Security  | 1. Vandalism/property access
2. System damage/spill or operation corruption
 | 1. Remote/secluded site
2. Nearest residence over ¼ mile
 | 1. Locked site when no operators present
2. Camera at entrances
3. Secured entry- one entry
4. Lighted site
 | 1. Site plan review
2. Other conditions as listed
 |
| 6. Constituency of materials to be treated | 1. What is to be treated
2. Where will the waste material come from?
3. How will we know what is being treated?
 | 1. What comes in will affect what goes out- see Holland report and objections
2. Substrates would require additional trucking and additional routes
3. Knowing where the waste is coming from assists in addressing the concerns
 | 1. Allow manure only, no substrates or other waste
2. Require up to date list of contributors.
3. Any additional contributors reported to participating farms only
4. Local farmer priority for excess capacity-reported to Town
 | Require as conditions subject to quarterly reviewAny deviation to this process subject to daily liquidated damage provision |
| 7. 1800 MMBtu/day Methane  | 1. Explosion on site
2. Odor at site
 | 1. 4000 gallons of methane max on site per day
2. Highly flammable
3. Potential to build up pressure at site
4. Controlled pressure not a concern
 | 1. concealed flare to release pressure and minimize odor
2. Anti-combustion motors to minimize possibility of explosion
3. Anaerobic system- little air to combust- should minimize odor
4. Building automated for 24/7 monitoring
5. low PSI to pipeline
6. Completely enclosed system
7. Emergency response plan
8. Post insurance to cover costs
9. Contact for 24/7 odor complaints
 | 1. Air quality permit/WPS permit2. Redundant monitoring3. Constructed and operation in accord with building and operation plans as submitted to Town and DNR4. Pollution and Liability Insurance5. Prompt reporting and response required as a condition 6. Require foregoing as conditions |
| 8. Gas will leave site by pipeline | 1. Danger of explosion in pipeline route or connection site
2. ROW proximity of utility easement
3. Pressure station
4. Expediency of response
 | 1. Already WPS gas lines present
2. Connection station will be required
 | 1. ROW utility permit and agreement with Town
2. Inspection and review of pressure station
3. Post pollution and liability insurance
4. 24/7 monitoring of pipeline and connection
5. Train emergency responders
 | 1. WPS permit
2. Require conditions/solutions
 |
| 9. 400,000 gpd of waste water may be produced per day | 1. What if not returned to contributing farms
2. Volume Flooding
3. Water quality
4. Proximity of east river watershed
5. Untried volume- will the system work
 | 1. Up to 400,000 gpd at worse case
2. RO system designed to produce cleaner effluent than water in the stream
3. Water will have to be hardened
4. proximity to east river and Pike breeding habitat
5. DNR says this type of system is time tested technology
 | 1. Water waste water discharge alternative plans
2. Redundant testing of the effluent
 | 1. DNR WPDES and Water Quality permits
2. Redundant Town testing
 |
| 10. Quality of Effluent- may affect wildlife | Wildlife habitat/wetlands might be effected as there is a pike habitat near the site  | 1. Water will be hardened before release
2. Water will be at ambient temperature when released.
 | Concerns should be addressed in the DNR permit process | 1. Require permit compliance
2. Effluent independently tested
3. Redundant testing
 |
| 11. Effect of water discharge on recreational use | Water could melt snowmobile trails | 1. Weather could have same effect
2. Water will be at ambient temperatures if released
 |  |  |
| 12. Traffic and Congestion | 1. 51 truck trips per day required for operation
2. Road condition at access site
3. Road Spillage
4. Effect on Town Roads
 | 1. Likely to reduce current truck traffic as significant amount is being piped
2. Will however concentrate some traffic to site
3. Heavy truck usage on certain town roads
4. May be spills, particularly in proximity to site
 | 1. Route designation
2. Contributor designation
3. Immediate notice of spill
4. Prompt clean up
5. Haulers to be responsible to Operator
6. Black top entrance
 | 1. Road clean up controls- 24 hours
2. Post insurance
3. Highway notice/maintenance Agreement
4. Conditions/ solutions
5. Any change of provider or route will be reported to and reviewed by the Town as a precondition to the change.
 |
| 13. Noise of operation | 1. 75 db at property line-
2. 24 hour hauling by truck
 | 1. Admit 75 db at property line- a blender
2. Site fully encompassed by trees
3. In a depression
4. Closest residence ¼ mile
5. They intend 24 hour service and some weekend work
6. Truck traffic can be noisy
 | 1. Not to exceed 75 DB measured at the operations site line as defined in the site plan
2. Need to monitor
3. No Jake breaking
 | 1. Less than 75 db as condition
2. No jake breaking
3. Subject to periodic checks and noise ordinance
 |
| 14. Light from site | Will it be night sky compliant | 1. Designed to be night time compliant and faced toward site
2. Nearest residence quarter mile
3. Security will require it so be well lit
 | 1. Site plan approval by town required
2. Lighting limited to building, driveway and compliant sign
 | Impose condition/solution |
| 15. Ingress and Egress and local road | 1. Driveway durability
2. Dust from site
 | 1. considerable truck traffic concentrated in area
2. dust from traffic
 | 1. Site plan review
2. Willing to do all blacktop roads
 | Conditions and solutions |
| 16. Compatibility with adjacent land use | 1. Site encompassed by property of an owner/contributor to North2. Across the street is a land fill to South 3. Closest residence ¼ mile to the East and ½ mile to the West | 1. Pretty good site2. Minimize issues with noise, light and traffic conditions |  |  |
| 17. Closure/Abandonment | 1. What happens if the Company folds?
2. Structures on conducive to other uses
 | Applicant states there is a bond to restore property if there is default | 1. Require proof of bond
2. Required assurance of restoration within 12 months of discontinuance
 | Add to conditions |
| 18. DNR ability to enforce | Concern that DNR may be able or neglect to enforce it’s permits | 1. Concern raised over spill last year- no one cited
2. No assertions that there has been laxness in permit enforcement
3. Promptness of response
 | 1. Set up Town
2. authority to address spills, monitor operations, inspect and verify sampling
3. Set up contact numbers for expedient response
 | Condition on the redundant review and response mechanism |
| 19. Impact on Property Values | 1. Will decrease property values in the area?
2. Will decrease property values area wide
 | 1. No support given
2. Report of Town assessor to the contrary
3. Note presence of land fill
 |  |  |
| 20. High capacity well | 1. Intend to drill a high capacity well on site
2. Resident within ¼ and ½ mile
3. Town well affected?
 | Intent is to use it primarily for start up | 1. Cone of influence study will be required.
2. Any draw effect will be addressed prior to operation
 | 1. Withhold issuance of conditional until study forwarded and deemed satisfactory to town
2. Applicant shall be responsible for actual cost of remediation if necessary.
 |
| 21. Disaster control and insurance | 1. Explosion
2. Spill
3. Environmental contamination
4. Restoration
 | 1. Presence of highly combustible material
2. Presence of high amounts of manure
3. High amount of water in various levels of purity
4. pipelines
 | Require 3 million in general liability insurance for fire or clean up, 3 million for pollution and street and pipeline maintenance | 1. Impose as condition with annual update and notice for any change or lapse
2. Required named insured
3. Require certificate on file
 |
| 22. Culvert size | Volume of water if maximum released might overwhelm culverts | 169 cu per second- culvert capacity. discharge at worst case would be 0.6 cubic feet per second |  |  |
| 23. Concentrated liquid fertilizer | Brown water could be available- how would the delivery be accomplished | Recycles the nutrients | Same method of manure delivery used to deliver brown water.- trucks cycled | Impose as condition |
| 24. Site Plan Review | Large industrial producer with some potentially harmful processes | 1. Volume of manure
2. production of gas
3. production of effluent
4. site ability to ace
5. assurance of compliance with operation plans and volumes
 | 1. All building plans
2. a landscaping and road plan
3. light plan
4. signage
5. Piplines in and out
 | Site plan subject to Town approval and conditions |
| 25. Costs associated with administration | 1. Emergency provider’s readiness, equipment and recertification
2. Initial set up of review and reporting procedures
3. Day to day administration and testing
 | 1. Site emergency readiness2. Immediate redundant testing ability. Actual cost of administration- meeting costs, attorney’s fees3. Continuing education/training and ability to provide service | 1. See attached Fire Department condition sheet
2. Actual administrative costs (actual amount of attorney’s fees and meeting fees)
3. $2000.00 per month for testing and monitoring review.
 | 1. Require as condition
 |
| 26. Complaint procedures and responsiveness | 1. Access for Town officials
2. Procedures to assure prompt responsiveness to emergencies
3. Procedure for annual review and citizen input
 | 1. Access needed to inspect- public safety
2. Response time tied to environmental impacts and traffic safety depending on location
3. Magnitude of development and consequential concerns need to be addressed
 | 1. 24 hour access agreement- including all inspections
2. Emergency contact system for neighboring properties for fire or spill notice
3. Notice of contact for emergency issues on a 24/7 basis
4. Semi-annual meeting with citizens- noticed as a public meeting
5. Set up contact protocols
 | Impose the conditions and solutions |
| 27. Review | Frequency of review | Every 5 years  | 1. Publically notices review
2. Full review of process
3. May order reasonable modifications
4. Revocation upon substantial breach of conditions
 | Condition/solutionsInclude review procedure in conditions for schedule review and substantial breach. |
| 28. Transfer/Expanse  | 1. What if a less reputable operator seeks to take over
2. What if there is a desire for substantial expanse.
 | 1. Expanse limited by site conditions
2. The conditions run with the land
3. Town has right to be sure the operator is willing and able to perform the CUP
 | 1. Notice upon change of use or ownership
2. Notice of intent to transfer or expand
3. 6 months prior
4. Subject to new CUP
 | Impose as condition |
| 29. Permits | Required permits obtained before operation | Permits Required1. WPDES
2. WDNR air quality
3. WDNR stormwater permit
4. WDNR erosion control permit
5. WDNR Chapt. 30 permit
6. WDNR well permit
7. POWTS (Brown County )
8. Shoreland permit (Brown County)
9. WPS pipline Approval
10. WDC building approval
11. DATCP scal per mit
12. Wrightstown Building permit
 | 1. All maintained and timely renewed
2. Notice if a violation
3. All monitoring data subject to review
 | All permits and conditions and solutions |
| 30. Permit data Review | 1. Assisting timely review and confirmation of DNR and other state entity reviews
2. Current and efficient regulation of this large use
 | 1. Timely review of data and feedback should minimize issues
2. Volume of the operation makes timely identification of problems more pressing
 | Redundant testing of:1. Effluent

Monitoring of:1. Gas pressure at site
2. Gas pressure at connection site
3. Effluent discharge
 | Conditions and solutions |
| 31. PILOT | Cover continuing administration costs | Actual cost attributable to property if taxed (town portion) | PILOT to be paid by October of the year preceding the property tax based on that years mil rate. |  |
| 32. Emergency Response  | Preparing the emergency responders | 1. Special equipment and training for confined space entry
2. Access to site
3. Continuing training
4. Updating equipment
5. Leave to use equipment at other sites.
 | See fire department list | Add as conditions |
| 33. CUP enforcement process | What happens if the conditions are not honored and the breach is not substantial? | 1. Truck routes
2. Contributors
3. Type of waste
4. Lack of required contacts
5. Failure to respond to spills
 | 1. Liquidated damages for those issues not easily measured
2. Actual cost of response for spills
 | 1. Impose as condition
2. Set out a procedure for review and enforcement.
 |