

Disposal of Deer and Bear Killed by Motor Vehicles

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Waste & Materials Management
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Description: The purpose of the attached guidance is to document the process and criteria for establishing sites to be used for the disposal of deer killed by motor vehicles in areas where CWD is not known to be present and bear killed by motor vehicles. Different procedures apply to deer killed in areas with CWD. Approval of deer / bear disposal sites using the process detailed in this memo is granted under the authority of s. 289.43(8)(b), Wis. Stats. This provision allows the department to exempt solid waste facilities from statutory requirements, if regulation is not warranted in light of the potential hazard to public health and/or the environment, with appropriate conditions when warranted. Approvals should be requested by the landowner (or on behalf of the landowner) and should be limited to a two year in duration, but may be renewed if the procedures in this memo are repeated. Approval templates and examples are provided.

Assigned staff: Amalendu Bagchi

Guidance: See Attached memorandum

Contact 608/266-2111 or DNRWasteMaterials@Wisconsin.gov for further information.

Disclaimers: This document is intended solely as guidance and does not include any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any manner addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

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DATE: April 18, 2003 FILE REF: Vehicle Killed Deer and Bear

TO: Regional Directors

FROM: Scott Hassett – AD/5

SUBJECT: Disposal of Deer and Bear Killed by Motor Vehicles

The purpose of this memo is to document the process and criteria for establishing sites to be used for the disposal of deer killed by motor vehicles in areas where CWD is not known to be present and Bear killed by motor vehicles. Different procedures apply to deer killed in areas with CWD. Approval of deer / bear disposal sites using the process detailed in this memo is granted under the authority of s. 289.43(8)(b), Stats. This provision allows the Department to exempt solid waste facilities from statutory requirements, if regulation is not warranted in light of the potential hazard to public health and/or the environment, with appropriate conditions when warranted. Approvals should be requested by the landowner (or on behalf of the landowner) and should be limited to a two year in duration, but may be renewed if the procedures in this memo are repeated.

A template and a completed example Conditional Grant of Exemption for vehicle killed deer / bear disposal sites is attached as Attachment A and an approval template and approval letter is attached as Attachment B. These attachments may be modified by Regional Waste Management staff where appropriate. Region staff (wardens / finance staff) should issue two-year contracts (that cover each biennium) for the pickup of vehicle killed deer / bear to reduce the Department's overall workload. These contracts should be written to allow for a two-year contract extension if both parties agree to the extension. Existing deer / bear disposal sites, operated on land owned by the State of Wisconsin, would be allowed to continue, at the discretion of the appropriate Regional Director, until June 30, 2005.

Consideration of Alternatives

Approval of deer / bear disposal sites using the process outlined in this memo should be granted only after all other reasonable alternatives have been exhausted. Reasonable alternatives include processing at a rendering plant (or as animal feed), disposal at a licensed landfill and leaving the animal to decompose naturally, where appropriate.

If there are no other reasonable alternatives to using a deer / bear disposal site for vehicle killed deer / bear, then prior to the Regional Office awarding a carcass collection contract, the ALTERNATIVE ASSESSMENT for DEER / BEAR DISPOSAL form (Attachment C) must be completed. The ALTERNATIVE ASSESSMENT form must be completed by the regional warden supervisor (in coordination with the appropriate Area Waste Management Specialist – see <http://dnr.wi.gov/topic/Waste/EPAs.html>) and includes documentation that no other reasonable alternatives are available to a deer / bear disposal site.

Where processors and landfills aren't reasonably available and where societal constraints prohibit the roadside disposal of deer, the Department may allow prospective contractor(s) to develop a deer disposal site on privately owned land or land not owned by the State of Wisconsin. The contractor(s) will then be expected to provide equipment for the construction,

operation and maintenance of the deer / bear disposal site. Upon the award of a conditional contract, the recipient of the contract shall prepare an application to the Department for approval of a deer / bear disposal site.

Locational Criteria

To avoid unacceptable risk to public health or the environment, a Conditional Grant of Exemption should not be issued where the deer / bear disposal site (trench) is located within the following areas:

- 1) Disposal trench base is less than 10 feet to the groundwater table or the bedrock surface.
- 2) Where the site could have a significant adverse impact on wetlands or critical habitat areas.
- 3) Within a floodplain.
- 4) Where the site could have a detrimental effect on any surface water or groundwater quality. [Note: The site is presumed to not have an adverse impact on surface water or groundwater quality if designed and operated in conformance with this guidance.]

To avoid unacceptable risk to public health or the environment, a Conditional Grant of Exemption should not be issued where the deer / bear disposal site (trench) is located within the following areas:

- 1) Within 1,200 feet of any public or private water supply well.
- 2) Within 1,000 feet of the nearest edge of the right-of-way of any state trunk highway, interstate or federal aid primary highway or the boundary of any public park, unless the facility is screened by natural objects, plantings, fences or other appropriate means so that it is not visible from the highway or park.
- 3) Within 10,000 feet of any airport runway used or planned to be used by turbojet aircraft or within 5,000 feet of any airport runway used only by piston type aircraft or within other areas where a substantial bird hazard to aircraft would be created.
- 4) Within 1,000 feet of any navigable lake, pond or flowage or within 300 feet of any navigable river or stream.

In addition, a Conditional Grant of Exemption should not be granted where the soils at the base of the disposal site are too permeable (i.e. clean sand, gravel) or too tight (i.e. heavy clay). Soils should be moderately permeable (10^{-4} to 10^{-6} cm/s) to allow slow percolation, avoiding ponding within the site while providing some attenuation of contaminants through the base soils. The Department's Area Solid Waste Specialist can determine if the soils are suitable for a deer / bear disposal site.

Report Requirements and Site Information

A report should be prepared for Department consideration which contains the following information needed to support the Conditional Grant of Exemption:

- 1) General facility information which identifies the project title; name, address, and telephone number of the primary contact persons; present property owner; proposed facility owner and operator; facility location (GIS / coordinates); total area of property (acres) and disposal area(s) with proposed trench location(s); area to be served; equipment to be used and mode of operation.
- 2) Geotechnical information shall be obtained by a backhoe pits which extends at least 10 feet below the anticipated base grade. The Investigator should be present during excavation of the backhoe pit to describe the soils and document the 10-foot separation to groundwater and bedrock. While present, additional backhoe pits may be required by the Area Solid Waste Investigator.
- 3) Groundwater monitoring wells are not typically required. If groundwater monitoring is desired, the Grant of Exemption should contain a Condition [with appropriate justification in the Findings of Fact] requiring water table observation wells be installed to define the water table surface and hydraulic gradients. At a minimum, 3 water table observation wells should be installed. The well locations shall be chosen in an effort to place one well upgradient and the other 2 downgradient at the proposed facility.
- 4) The limits of the disposal trenches shall be field staked using markers such as wooden posts or metal fenceposts which cannot be easily disturbed during site operations.
- 5) A drawing shall be provided which shows the proposed fill area, direction of filling, property boundaries, proposed facility boundaries, backhoe pit locations and well locations, if installed. A USGS map, with the disposal area marked should also be included (this will provide general drainage pattern information as well as the locations of roads, waterways, wetlands and other pertinent features in the vicinity of the landfill). The Department may require that a topographical survey be performed with the information displayed on a plan sheet using a minimum scale of 1" = 200' with a maximum contour interval of 5'. Operational and Design Requirements

The site should be designed and operated to minimize the potential for groundwater contamination and nuisance conditions. This is to be accomplished by minimizing contact between water and the deer / bear carcasses and by maintaining a shallow trench depth with waste covered at all times. At a minimum the following design and operational practices should be included as Conditions in the Grant of Exemption.

- 1) Trenches shall be limited to not more than 3 feet in depth, 10 feet in width and 100 feet in length. The base of the trench shall be sloped to promote drainage to one end of the trench. A 10-foot separation from groundwater shall be maintained along the entire trench length.
- 2) Deer / bear shall be placed in the shallow trench side by side in a single layer. Deer need to have their rumens punctured to reduce swelling due to gas build up within the body cavity. Immediately covered with at least 2 pounds of barn lime per deer / bear and 6 inches of soil. More lime and/or cover soil shall be used if animals are digging into the cover soil and disturbing the carcasses, or if flies are present. If this is ineffective, then other means such as fencing may be required to prevent animal access to the site.

- 3) Berms (soil curbs) or ditches shall be placed around the perimeter of each trench to prevent water from draining into the trench. Disposal shall begin at the high end of the trench and work toward the low end to prevent ponding of rainwater within the trench against the carcasses. Any rainwater which accumulates, in the trench, shall be pumped out. Water that is pumped out of the trench needs to be accomplished in such a fashion as not to reach surface water (stream, pond, wetland, etc.) Equipment for this purpose shall be maintained on site or be available at 24 hours notice.
- 4) A final cover of soil shall be placed over the filled portions of the trench. Final cover shall consist of at least 2 feet of compacted soil overlain by 6 inches of topsoil. The final cover shall be sloped to maximize runoff after closure. If topsoil other than the site's original topsoil is used, it should be tested to determine its nutrient and pH requirements and fertilized and limed accordingly. The site should be seeded using an appropriate mix as determined by SCS, DOT, or other relevant guidance.
- 5) Road access to the site must be controlled through fencing or other means. The site should also be screened from public view.
- 6) Equipment for covering the deer, as well as sufficient soil and lime to cover the deer must be maintained on site or be available at all times.

Environmental Monitoring

The Department may, due to unusual situations, require as Conditions in the Grant of Exemption installation of groundwater and leachate monitoring wells or other devices, groundwater and leachate sampling and analysis programs, gas monitoring and provisions to protect against detrimental effects of leachate and gas migration. Vector monitoring may also be required if there is a dispute as to whether a significant fly or animal problem is occurring. The following parameters should be considered if groundwater monitoring is instituted.

Chloride	COD
Dissolved Iron	Field pH
Sulphate	Field Temperature
Ammonia-Nitrogen	TDS
Organic Nitrogen	Alkalinity
Nitrate + Nitrite (as N)	Hardness
Fecal Coliform	BOD
Water Elevation	

Conditional Grant of Exemption

A formal grant of exemption must be written for all sites which are established based on this criteria. The grant of exemption must use the standard FINDINGS OF FACT/CONCLUSIONS OF LAW/CONDITIONS format used for Department similar to Plan of Operations review decisions and should include a public notice. Public notice for a deer / bear disposal site(s) only requires a news

release (s. NR 150.03(1)(b)1) and the news release must include the information in s. NR 150.21(1)(a). The findings of fact should indicate the name, owner/operator and location of the facility, a list of the information reviewed in making the determination, and a finding that if the site is operated and maintained in accordance with the plan submittal and conditions of the approval, then it will not have a detrimental effect on the environment. The conclusions of law need to cite secs. 289.43(8)(b) and (c), Stats. as the authority for granting an exemption with conditions.

The grant of exemption approval should be limited to two years to fit within the biennial budget period. Additional grants of exemption may be given at the discretion of the of the appropriate Regional Waste Management Supervisor. Each grant of exemption extension should include an update of the requirements in the original grant of exemption report.

No public notice is required for extending the use of the disposal site 2 years to accommodate the mutual agreement to an extension of the pickup contract for 2-years.

Inspections

Department staff may inspect the deer / bear disposal sites periodically. The grant of exemption may be revoked if the site is not operated in accordance with the Conditional Grant of Exemption or in a nuisance free manner. Following closure of the deer / bear disposal site, the facility shall be maintained by the owner or operator until it becomes stabilized.

*** **

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*** **

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**ATTACHMENT A
Template**

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

CONDITIONAL GRANT OF EXEMPTION
ALLOWING DISPOSAL OF VEHICLE KILLED DEER
IN A DEER DISPOSAL LANDFILL

FINDINGS OF FACT

The Department finds that:

1. The Department has reviewed and evaluated the potential hazard to public health or the environment of burial of vehicle killed deer/bear in a deer/bear only landfill.
2. On [Insert date and year] a report for the siting of a vehicle killed deer/bear trench(s) located in [insert location] was received from [insert name, company, city, state] and was used in the site evaluation process.
3. Based upon that review and evaluation of the information above, the Department finds that regulation of the burial of vehicle killed deer/bear in a deer/bear only landfill under s. 289.43(8)(b), Stats., is not warranted in light of the potential hazard to public health or the environment, provided that the conditions of the grant of exemption set forth below are complied with.

CONCLUSIONS OF LAW

1. Pursuant to s. 289.43(8)(b), Stats., the Department has authority to grant the following exemption.
2. Pursuant to s. 289.43(8)(c), Stats., the Department has authority to set the following conditions.

CONDITIONAL GRANT OF EXEMPTION

The Department hereby exempts facilities used for the burial of vehicle killed deer in a deer only landfill from regulation under s. 289.43(8)(b), Stats., provided that the following conditions are met:

1. Deer/bear disposed, at this site, shall be for vehicle killed deer/bear only.
2. No more than 100 deer maybe disposed in a trench.
3. Deer/bear shall be placed in the shallow trench side by side in a single layer. Deer shall have their rumens punctured to reduce swelling due to gas build up within the body cavity. Deer/bear shall be immediately covered with at least 2 pounds of barn lime per deer/bear and 6 inches of soil.

4. Trenches shall be limited to not more than 3 feet in depth, 10 feet in width and 100 feet in length.
5. The burial site must comply with the locational and performance criteria in s. NR 502.04, Wis. Adm. Code.
6. A minimum separation distance of at least 10 feet shall be maintained between the bottom of the disposal trench(s) and the groundwater and bedrock.
7. Berms (soil curbs) or ditches shall be placed around the perimeter of each trench to prevent water from draining into the trench. Disposal shall begin at the high end of the trench and work toward the low end to prevent ponding of precipitation water within the trench against the carcasses. Any precipitation (water) which accumulates in the trench shall be pumped out. Water that is pumped out of the trench needs to be accomplished in such a fashion as not to reach surface water (stream, pond, wetland, etc.) Equipment for this purpose shall be maintained on site or be available at 24 hours notice.
8. The burial area shall be operated, maintained, and closed in a nuisance-free manner.
9. Road access to the site shall be controlled through fencing or other means. The site should also be screened from public view.
10. Equipment for covering the deer, as well as sufficient soil and lime to cover the deer shall be maintained on site or be available at all times.
11. A final cover of soil shall be placed over the filled portions of the trench. Final cover shall consist of at least 2 feet of compacted soil overlain by 6 inches of topsoil. The final cover shall be sloped to maximize runoff after closure. If topsoil other than the site's original topsoil is used, it should be tested to determine its nutrient and pH requirements and fertilized and limed accordingly. The site should be seeded using an appropriate mix as determined by SCS, DOT, or other relevant guidance.
12. The site owner / operator shall allow access by Department personnel to the deer/bear disposal landfill for the purpose of routine inspections and operational evaluations.
13. Following closure of the deer/bear disposal site, the facility shall be maintained by the owner or operator until it becomes stabilized.
14. This conditional grant of exemption is effective for a period of two years following this date of approval. Additional conditional grants of approval maybe considered and must be in writing and requested by the landowner or on behalf of the landowner.

[insert any site-specific conditions]

The Department retains jurisdiction to amend, modify or rescind this grant of exemption.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of decisions pursuant to sections 227.52 and 227.53, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

Dated at [insert city] , Wisconsin the _____ day of [insert month and year] .

DEPARTMENT OF NATURAL RESOURCE
For the Secretary

By: _____
[insert name]
Waste Team Supervisor
[insert Region]

Example

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

CONDITIONAL GRANT OF EXEMPTION
ALLOWING DISPOSAL OF VEHICLE KILLED DEER
IN A DEER DISPOSAL LANDFILL

FINDINGS OF FACT

The Department finds that:

1. The Department has reviewed and evaluated the potential hazard to public health or the environment of burial of vehicle killed deer/bear in a deer/bear only landfill.
2. On 4/1/2003 a report for the siting of a vehicle killed deer/bear trench(s) located on John Melby's property at 15 Rat Farm Lane, Fitchburg, Wisconsin was received from John Melby, president, Melby's D and R Ranch and was used in the site evaluation process.
3. Based upon that review and evaluation of the information above, the Department finds that regulation of the burial of vehicle killed deer/bear in a deer/bear only landfill under s. 289.43(8)(b), Stats., is not warranted in light of the potential hazard to public health or the environment, provided that the conditions of the grant of exemption set forth below are complied with.

CONCLUSIONS OF LAW

1. Pursuant to s. 289.43(8)(b), Stats., the Department has authority to grant the following exemption.
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4. Trenches shall be limited to not more than 3 feet in depth, 10 feet in width and 100 feet in length.
5. The burial site must comply with the locational and performance criteria in s. NR 502.04, Wis. Adm. Code.

6. A minimum separation distance of at least 10 feet shall be maintained between the bottom of the disposal trench(s) and the groundwater and bedrock.
7. Berms (soil curbs) or ditches shall be placed around the perimeter of each trench to prevent water from draining into the trench. Disposal shall begin at the high end of the trench and work toward the low end to prevent ponding of precipitation water within the trench against the carcasses. Any precipitation (water) which accumulates in the trench shall be pumped out. Water that is pumped out of the trench needs to be accomplished in such a fashion as not to reach surface water (stream, pond, wetland, etc.) Equipment for this purpose shall be maintained on site or be available at 24 hours notice.
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12. The site owner / operator shall allow access by Department personnel to the deer/bear disposal landfill for the purpose of routine inspections and operational evaluations.
13. Following closure of the deer/bear disposal site, the facility shall be maintained by the owner or operator until it becomes stabilized.
14. This conditional grant of exemption is effective for a period of two years following this date of approval. Additional conditional grants of approval maybe considered and must be in writing and requested by the landowner or on behalf of the landowner.
15. Gene Mitchell gets first choice of all the really fresh ones.

The Department retains jurisdiction to amend, modify or rescind this grant of exemption.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of decisions pursuant to sections 227.52 and 227.53, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

Dated at Fitchburg, Wisconsin the _____ day of April 2003.

DEPARTMENT OF NATURAL RESOURCE
For the Secretary

By: _____
Gene Mitchell
Waste Team Supervisor
South Central Region

(remember to remove this bold heading and add the region letterhead)

ATTACHMENT B
Approval Template

[InsertDate]

FID # [InsertFID#]

[PrincipalContact]

[AddressLine1]

[AddressLine2]

[City] , [State] [ZipCode]

Subject: Approval of a conditional grant of exemption to allow disposal of vehicle killed deer and bear.

Dear [Salutation] :

Your request to dispose of vehicle killed deer and bear in a deer / bear only landfill located in [insert location] has been reviewed and approved subject to the conditions listed in the attached approval.

[Discuss special conditions, concerns, etc.]

If you have questions regarding this approval, please contact [insert DNR contact] at [Phone#] .

Sincerely,

[insert name]

Waste Team Supervisor

[DNR Region]

Attachments

CC: [Insert CC List]

Example Approval Letter

4/15/2003

FID # 0007

John Melby
15 Rat Farm Lane
Suite 7
Fitchburg, WI 53711

Subject: Approval of a conditional grant of exemption to allow disposal of vehicle killed deer and bear.

Dear Mr. Melby:

Your request to dispose of vehicle killed deer and bear in a deer / bear only landfill located in your property in Fitchburg has been reviewed and approved subject to the conditions listed in the attached approval.

Unfortunately Mr. Melby we cannot approve your request to allow the lab rats, dogs, cats, etc. to be disposed at this facility.

If you have questions regarding this approval, please contact Gene Mitchell at 251-5678.

Sincerely,

Gene Mitchell
Waste Team Supervisor
South Central Region

Attachments

CC: Rat Lane neighbors

ATTACHMENT C

ALTERNATIVE ASSESSMENT for DEER/BEAR DISPOSAL

COUNTY OF [Name of County] and Area [if needed]

[CONTRACT PERIOD]

(1.) EXISTING PRACTICES	(2.) INFORMATION ON EXISTING METHODS	(3.) SHORT EXPLANATION ON CONTINUED USE or ENDING THE PRACTICE	(4.) COST INFORMATION (\$)
Rendering (Yes or No).			
Animal Feed (Yes or No)			
Landfilling* (Yes or No)			
Roadside Disposal** (Yes or No)			
Disposal Trenches*** (Yes or No)			
Other (Yes or No)			

* If there is no municipal solid waste landfill that will accept deer within the county or in a surrounding county or the landfill won't accept deer from other counties, landfills can be considered not available and the evaluation can be discontinued. At the present time only Ashland, Grant, and Pierce Counties would be eligible for deer pits based on no landfill within the county or in a surrounding county. Also, cost of disposal at a landfill isn't a criteria that can rule out the landfill option.

** Roadside disposal require guidance to be develop (approved by the Regional Director) and contractors must operate in accordance with the Guidance.

*** Deer/bear disposal at a deer/bear landfill only is a last choice for disposal.

RECOMMENDATION(S) FOR [County Name]	CONDITIONS (if any)
RECOMMENDATION APPROVAL / NAME	DATE
(Region) Warden Supervisor	
(Region) Waste Team Supervisor	
(Region) Regional Director	

The intent of this form is to help with vehicle killed deer disposal alternative evaluation:

- Columns 1, 2, and 3 are to identify past practices in the area, and provide a short explanation of why these practices can or can't be continued.
- It is expected that rendering plants, mink farms, animal feed formulators and other potential users of the deer/bear be identified. The service area of these industries may be quite extensive (Statewide in some cases), so the area of investigation should go well beyond the adjacent counties. Facilities in other states should also be considered for areas near the State's borders.
- Potential existing landfills need to be identified (within the county or in a surrounding county). If the landfills are unable or unwilling to accept deer/bear, this should be documented.

Where processors and municipal solid waste landfills aren't available and where societal constraints prohibit the roadside disposal of deer, the Dept. may require as a condition of the bid that a prospective contractor have available privately owned or non-state owned land and equipment for the construction, operation and maintenance of a deer / bear disposal site. Upon the awarding of a conditional contract, the recipient of the contract shall prepare and submit an application to the Dept. for a deer / bear disposal site approval (low hazard exemption) and include a \$500 exemption request fee (NR 520, table 2). Note - If the application is of a high quality, includes all the needed information and the approval process takes less than 4 hours, no fee would be required.