NR112

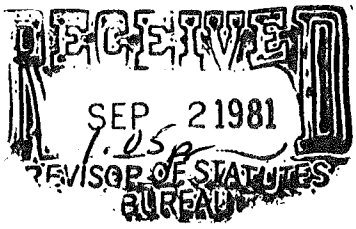
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

*Carroll D. Besadny*
*Secretary*

BOX 7921
MADISON, WISCONSIN 53707

**IN REPLY REFER TO:** _____

STATE OF WISCONSIN )
) ss
DEPARTMENT OF NATURAL RESOURCES )




TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

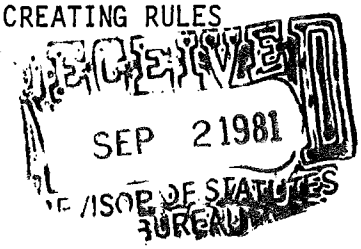
I, Carroll D. Besadny, Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. WQ-27-80 was duly approved and adopted by this Department on April 23, 1981. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 28th day of August, 1981.

Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
RENUMBERING, RENUMBERING & AMENDING, AMENDING, AND CREATING RULES




IN THE MATTER of renumber sections NR 112.03(34m) and NR 112.07(2)(j) thru (m), (o) & (p); renumbering and amending sections NR 112.07(2)(i) & (n); amending sections NR 112.03(34) & NR 112.07(2)(e) & (g); and creating sections NR 112.03(11m), (34m), (34p), (34q), (34r), (35c) & (42m) and NR 112.07(2)(i) & (o) of the Wisconsin Administrative Code pertaining to well location relative to animal waste handling facilites

WQ-27-80

Analysis Prepared by Department of Natural Resources

The existing well code, ch. NR 112, Wis. Adm. Code, provides definitions for animal waste handling facilities and separating distances between wells or reservoirs and such facilities. The proposed amendment to s. NR 112.03 would provide definitions for more recently developed types of manure handling units. The proposed amendment to s. NR 112.07 would specify the required minimum separating distance between a well or reservoir and these newly described manure handling facilities.

The purpose of these rules is to provide minimum separation distances between walls and animal waste handling facilities in order to insure that contamination of the well is prevented. Since the rule does not impose any particular animal waste treatment requirement on persons maintaining animals, the Department is not of the opinion that the rules are animal waste treatment rules within the purview of s. 13.565, Stats.

Representatives of the following organization were consulted in developing the proposed changes: University of Wisconsin Department of Agricultural Engineering, Madison; Wisconsin Department of Agriculture, Trade and Consumer Protection, Division of Food Inspection; Wisconsin Division of Health, Grade "A" Milk Program Survey Section; the Engineering Section of the U.S. Soil Conservation Service, Madison; and the Department of Natural Resources, Industrial Wastewater Section, Madison

Public hearings on similar proposed changes were held in April, 1979, and the Board adopted the changes at its June, 1979 meeting. The rules were submitted for legislative review and on October 31, 1979, they were remanded to the Department by the Speaker of the Assembly. The Legislative Council had determined that the rules as then proposed established design requirements for manure handling and storage structures and, as such, were covered by

s. 13.565(1), Stats., for animal waste treatment rules. The proposed rules have been amended so that they clearly do not establish waste treatment facility design requirements. Another public hearing was held in October, 1980.

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Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 162.01 and 227.014, Stats., the State of Wisconsin Natural Resources Board hereby renumbers, renumbers and amends, amends, and creates rules interpreting ss. 162.01 and 162.03, Stats., as follows:

SECTION 1 - Section NR 112.03 (11m) is created to read:

(11m) "Clay" means an inorganic soil with characteristics of low permeability and plasticity index (PI) of more than 7.

SECTION 2 - Section NR 112.03 (34) is amended to read:

(34) "Liquid-manure holding tank" means a structure completely fabricated ~~structure~~ on-site out of reinforced poured concrete or equivalent concrete or out of steel having approved lining material, with or without a cover, ~~either formed-in-place-or-transported-to-the-site,~~ used for containing animal wastes consisting of excreta, leachings, feed losses, litter, washwaters or other associated wastes.

SECTION 3 - Section NR 112.03 (34m) is renumbered to be s. NR 112.03(34o).

SECTION 4 - Section NR 112.03 (34m) is created to read:

(34m) "Liquid-tight concrete floor" means, for the purpose of s. NR 112.07(2)(j) and(o), a floor equivalent to one with a thickness of at least 5 inches; poured, Portland cement concrete containing at least 5 1/2 bags of cement per cubic yard of concrete, having a medium consistency with not more than 6 gallons of water per bag of cement including water in the

aggregate; and with minimum reinforcing steel of 6" x 6" x 10-gauge welded wire fabric placed within the center 1/3 of the slab thickness, except that should the floor be expected to be subjected to heavy equipment use, the fabric steel shall be heavier gauge.

SECTION 5 - Section NR 112.03 (34p) is created to read:

(34p) "Manure storage basin" means a large, relatively shallow depth excavation for storage of manure with bottom completely below grade and constructed either completely with earthen bottom and earthen sides; or with concrete floor and earthen sides or sides other than concrete; or with concrete floor and partial concrete walls and the remainder of the side walls being earthen.

SECTION 6 - Section NR 112.03 (34q) is created to read:

(34q) "Manure hopper" means a relatively small receptacle for receiving manure scrapings from a gutter or barn floor or yard for the purpose of pushing the manure by a piston-type pump to a manure storage structure.

SECTION 7 - Section NR 112.03 (34r) is created to read:

(34r) "Manure tank for pneumatic pumping" means a relatively small volume steel tank having provision for pumping air into it and pneumatically forcing the semi-liquid manure to a liquid-manure holding tank.

SECTION 8 - Section NR 112.03 (35c) is created to read:

(35c) "Nonpotable water supply" or "nonpotable well" means an excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater for a use other than human consumption or preparation of food products.

SECTION 9 - Section NR 112.03 (42m) is created to read:

(42m) "Reception tank" means a relatively small temporary manure-holding structure into which manure is scraped or flushed at the barn and from which it is pumped into a manure storage structure.

SECTION 10 - Section NR 112.07 (2) (e) is amended to read:

(e) Twenty-five feet between well or reservoir and watertight barn gutter; animal barn pen with concrete floor; glass-lined storage facility without pit; conventional silo without pit but with concrete floor and proper drain; watertight, milkhouse floor drain other than cast iron or equivalent material; watertight, conventional silo drain or glass-lined storage facility drain other than cast iron or equivalent material; watertight nonpressurized sewer other than cast iron or equivalent material conveying manure juices; pressure pipe used to convey manure, providing the pipe is PVC pipe meeting ASTM specification D-2241, with standard dimension ratio of 21 or less; or pressure pipe meeting the requirements of s. NR 110.13(6)(f) or NR 111.71, Wis. Adm. Code.

SECTION 11 - Section NR 112.07 (2) (g) is amended to read:

(g) Fifty feet between well or reservoir and seepage pit, seepage bed, seepage trench or other similar sewage or waste water disposal unit; privy; pet-waste pit disposal unit; animal yard, animal shelter, animal enclosure or animal lot; conventional silo with pit; glass-lined storage facility with pit; outlet of watertight milkhouse drain; seepage pit for drain of conventional silo or glass-lined storage facility; pressure pipe used to convey manure if the pipe does not meet the specifications listed in par. (e); loose-jointed field-drain pipe lines except that for school water supply systems, there shall be a minimum separating distance of 200 feet between a well or reservoir

and seepage pit, seepage bed, seepage trench or similar sewage or waste water disposal unit.

SECTION 12 - Section NR 112.07 (2) (i), (j), (k), (l), (m), (n), (o) & (p) are renumbered to be s. NR 112.07 (2) (j), (k), (l), (m), (n), (p), (q) & (r) respectively.

SECTION 13 - Section NR 112.07 (2) (i) is created to read:

(i) Seventy-five feet between well or reservoir and liquid-tight steel or concrete reception tank or hopper used in a semi-solid or liquid-manure handling system from which manure is pumped to a liquid-manure storage facility; liquid-tight manure tank for pneumatic pumping, providing the floors of such structures are constructed at least 3 feet above both bedrock and the highest groundwater level. When bedrock or the highest groundwater level is at a lesser depth than 3 feet below the bottom of the structure, a variance under s. NR 112.04 may be considered when:

1. A separating distance of at least 100 feet will be provided, but in no case shall a separating distance greater than 150 feet be required.

2. A design providing comparable protection will be planned.

SECTION 14 - Section NR 112.07 (2) (j) is amended to read:

(j) One hundred feet between well or reservoir and a temporary manure stack; solid manure storage ~~structure~~ platform with liquid-tight concrete floor on grade or partially below grade; ~~watertight~~ liquid-tight reinforced poured concrete or equivalent concrete fabricated liquid-manure holding tank; liquid-tight steel liquid-manure holding tank, having glass lining or equivalent corrosion resistant material; manure storage basin with liquid-tight concrete floor and walls; earthen silage storage trench or pit,

provided, the floors of any such liquid-manure tanks or basins are constructed at least 3 feet above both bedrock and the highest groundwater level. When bedrock or the highest groundwater level is at a lesser depth than 3 feet below the bottom of these structures, a variance under s. NR 112.04 may be considered when:

1. A separating distance of at least 150 feet will be provided, but in no case shall a separating distance greater than 175 feet be required.

2. A design providing comparable protection will be planned.

SECTION 15 - Section NR 112.07 (2) (o) is created to read:

(o) 1. Two hundred feet between well or reservoir and a solid or semi-solid manure storage basin, if the structure is located in sand or sand and gravel; and at least 150 feet between a well or reservoir and such basins, if evidence is provided to the department that the existing soil is clay extending to a depth of at least 5 feet below the structure, but in either case subject to the further limitations:

a. The structure will have a liquid-tight concrete floor.

b. The structure will have an acceptable drainage facility, as defined in subd. 3.

c. A structure governed by this subsection shall be constructed at least 5 feet above both bedrock and the highest groundwater level.

2. If bedrock or the highest groundwater level is at a lesser depth than 5 feet, the well or reservoir location shall comply with par. (p).

3. For the purpose of this subsection, "acceptable drainage facility" means, as it pertains to manure storage basins, slatted or mesh-covered openings on one side or wall of the basin discharging to a sewer pipe meeting

material requirements as specified by the state plumbing code for building sewers or a liquid-tight reinforced, poured, Portland cement flume extending to a holding lagoon or pond.

SECTION 16 - Section NR 112.07 (2) (p) is amended to read:

(p) Two hundred fifty feet between well or reservoir and an absorption, storage, retention or treatment pond; ridge and furrow waste disposal site; or a spray irrigation waste disposal site; manure storage basin, other than those described in par. (o)1., providing the bottom of the structure is constructed at least 3 feet above both bedrock and the highest groundwater level. When bedrock or the highest groundwater level will be at a lesser depth than 3 feet below the bottom of the facility, a variance under s. NR 112.04 may be considered when:

1. A separating distance of at least 275 feet will be provided, but in no case shall a separating distance greater than 300 feet be required.

2. A design providing comparable protection will be planned.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on April 23, 1981.

The rules contained herein shall take effect as provided in s. 227.026 (1)(intro.), Stats.

Dated at Madison, Wisconsin August 28, 1981

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

*Carroll D. Besadny*
*Secretary*

BOX 7921
MADISON, WISCONSIN 53707

August 28, 1981

**IN REPLY REFER TO:** 1020

Mr. Orlan L. Prestegard
Revisor of Statutes
411 West
C A P I T O L



Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WQ-27-80. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Agriculture and Natural Resources pursuant to s. 227.018, Stats. There were no comments.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

C. D. Besadny
Secretary

Enc.