

**CHAPTER 4**

Land Application of Manure

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**SEC. 7-4-1 PURPOSE**

The purpose of this ordinance is to take appropriate measures to manage the land application of manure or process water to protect public health, safety and welfare.

**SEC. 7-4-2 DEFINITIONS**

Unless specifically defined, words and phrases in this chapter shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and is not discretionary. As used in this chapter, the following terms shall have the meanings indicated:

- (a) **Applicant.** "Applicant" means any person, firm, association, or corporation that applies manure and/or process wastewater on cropland located in the City of Thorp, and any person, firm, association, or corporation that produces or originates manure or process wastewater that is applied on cropland located in the City of Thorp.
- (b) **Cropland.** "Cropland" means land that is suited to or used for crops or pasture, but not including lawns or land that is used for cultivating grains, fruits or vegetables intended to be consumed personally by the grower and his immediate family.
- (c) **Incorporation.** "Incorporation" means mixing the manure or process wastewater with surface soil so that at least 80% of applied manure or process wastewater is covered with soil and the application rate is controlled to ensure that applied material stays in place and does not run off. Incorporation includes standard agricultural practices such as tillage or

other practices that are the equivalent to providing 80% soil coverage.

- (d) **Injection.** "Injection" means the placement of liquid manure or process wastewater 4 to 12 inches below the soil surface in the crop root zone using equipment specifically designed for that purpose and where the applied material is retained by the soil and does not concentrate or pool below the soil surface.
- (e) **Land application.** "Land application" or "land apply" means the application, injection or incorporation of manure or process wastewater on cropland.
- (f) **Manure.** "Manure" means a material that consists primarily of litter or excreta, treated or untreated, from livestock, poultry or other animals. Manure includes material mixed with runoff, bedding contaminated with litter or excreta, or process wastewater.
- (g) **Process wastewater.** "Process wastewater" means wastewater that results from any or all of the following: (i) Spillage or overflow from animal or poultry watering systems; (ii) Washing, cleaning, or flushing pens, barns, manure pits, or other animal feeding operation facilities; (iii) Direct contact swimming, washing, or spray cooling of animals or dust control; (iv) Water that comes into contact with any raw materials or animal byproducts including manure, feed, milk, eggs or bedding; or (v) whey, milk water or other waste generated from the manufacture of cheese.
- (h) **Surface application.** "Surface application" or "surface apply" means the application to the ground surface of manure or process wastewater on cropland.
- (i) **25-year, 24-hour rainfall event.** "25-year, 24-hour rainfall event" means a rainfall event measured in terms of the depth of rainfall occurring within a 24-hour period and having an expected recurrence interval of once in 25 years, or 4.7 inches of rainfall within a 24-hour period (See Table 1 of NR 243.03 Wis. Admin. Code).

### **SEC. 7-4-3 LAND APPLICATION REQUIREMENTS**

Except as otherwise provided in this chapter, every applicant must comply, or ensure compliance, with the following requirements:

- (a) Manure or process wastewater may not pond on the application site.

- (b) Manure or process wastewater may not cause the fecal contamination of water in a well.
- (c) Manure or process wastewater may not run off the application site nor discharge to waters of the state through subsurface drains except if the person has complied with all land application restrictions in this ordinance and any applicable WPDES permit, and the runoff or discharge occurs as a result of a rain event that is equal to or greater than a 25-year, 24-hour rain event.
- (d) Manure or process wastewater may not be applied to saturated soils.
- (e) Land application practices shall maximize the use of available nutrients for crop production, prevent delivery of manure and process wastewater to waters of the state, and minimize the loss of nutrients and other contaminants to waters of the state to prevent exceedances of groundwater and surface water quality standards and to prevent impairment of wetland functional values. Practices shall retain land applied manure and process wastewater on the soil where they are applied with minimal movement.
- (f) Manure or process wastewater may not be applied on areas of a field with a depth to groundwater or bedrock of less than 24 inches.
- (g) Manure or process wastewater may not be applied within 100 feet of a direct conduit to groundwater.
- (h) Manure or process wastewater may not be applied within 100 feet of a private well or non-community system as defined in Ch. NR 812 or within 1000 feet of a city well as provided in Section 8-5-4(c)(5).
- (i) On a field with soils that are 60 inches thick or less over fractured bedrock, manure or process wastewater may not be applied on frozen ground or where snow is present.
- (j) Manure or process wastewater may not be applied on fields when snow is actively melting such that water is flowing off the field.
- (k) Surface applied manure shall be incorporated within 24 hours of application.

**SEC. 7-4-4 ENFORCEMENT**

The provisions of this Ordinance are subject to the following enforcement provisions at the option of the City in its discretion.

- (a) **Notice of Noncompliance.** Whenever the City finds any noncompliance with the provisions of this Chapter, the City may provide a notice of any noncompliance by personal service, written notice by certified mail, electronic mail, or facsimile transmission of any noncomplying activity. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken. The City shall attempt to communicate with each applicant or person performing the work to obtain immediate and voluntary compliance.
- (b) **Stop Work Order.**
- (1) If the applicant refuses to voluntarily comply immediately to a notice of noncompliance or the noncompliance presents an imminent danger or will cause or threatens to cause damage to properties, public facilities, or the waters of the state, the City shall post in a conspicuous place on the premises, a stop work order which shall cause all activity not necessary to correct the noncompliance to cease until noncompliance is corrected.
  - (2) The stop work order shall provide the following information: date of issuance, identification of the property subject to the stop work order, reason for posting and the signature of the inspector posting the order.
  - (3) It shall be a violation of the Chapter for the unauthorized removal of the stop work order from the premises.
  - (4) In addition to posting a stop work order, the City shall provide notification to each applicant by personal service, written notice by certified mail, electronic mail, or facsimile transmission. The applicant shall have 24 hours to respond to the City and initiate remedial measures to correct any noncompliance.
- (c) **City Remedial Action.** If the violations of this Ordinance are not corrected and are likely to result in significant damage to properties, public facilities, or waters of the state, the City's designee may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the City plus interest and legal costs shall be billed to the responsible party.

- (d) **Penalty.** Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to forfeiture in accordance with Thorp Code of not less than \$5.00 nor more than \$200.00 per offense together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance, and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the City of Thorp, the State of Wisconsin, or any citizen thereof pursuant to §87.30(2) Wis. Stats.