

# Permit Fact Sheet

## General Information

Permit Number:	WI-0059421-05-0
Permittee Name:	Norm E Lane Inc
Address:	W267 Panther Creek Rd
City/State/Zip:	Chili WI 54420
Discharge Location:	Same as facility address
Receiving Water:	Unnamed Stream (WBIC 5015142) within the Upper Yellow River Watershed of the Central Wisconsin Basin, and groundwaters of the state
Stream Classification:	303(d) impaired water by "total phosphorus"
Discharge Type:	Existing

<b>Animal Units</b>					
<b>Animal Type</b>	<b>Current AU</b>		<b>Proposed AU</b> <b>(Note: If all zeroes, expansions are not expected during permit term)</b>		
	<b>Mixed</b>	<b>Individual</b>	<b>Mixed</b>	<b>Individual</b>	<b>Date of Proposed Expansion</b>
Dairy Calves (under 400 lbs.)	40	0	0	0	
Milking and Dry Cows	3500	3575	0	0	
<b>Total</b>	<b>3540</b>	<b>3575</b>	<b>0</b>	<b>0</b>	

## Facility Description

Norm E Lane Inc is an existing Concentrated Animal Feeding Operation (CAFO) located in the existing Concentrated Animal Feeding Operation (CAFO) located in the Township of Fremont, Clark County. Norm E Lane consists of one production site: the Home Farm located at W267 Panther Creek Road, Chili, WI 54420. The operation is owned and operated by Josh Meissner. The current herd size is 3,540 animal units (2,500 milking/dry cows and 200 calves). There is no expansion planned over the upcoming permit term. Approximately 25 million gallons of liquid manure and process wastewater, and 500 tons of solid manure will be generated annually at the current herd size. Manure and process wastewater is stored in one liquid waste storage facility. The total usable storage capacity is approximately 13.6 million gallons or approximately 198 days of storage capacity for liquid manure and at least 59 days for solid manure. Norm E Lane owns or rents 4,213 acres of cropland, of which approximately 4,153 acres are available for manure application.

# Substantial Compliance Determination

## Enforcement During Last Permit:

1. None

## Compliance During Last Permit:

- The facility submitted all Annual Reports required in CAFO permit schedule (January 31 deadline).
- The facility submitted all Annual NMP Updates required in CAFO permit schedule (March 31 deadline).
- Two production site inspections (April 28, 2021 and July 10, 2023) did not find CAFO permit violations.
- One manure application inspection (July 27, 2022) did not find CAFO permit violations.
- Targeted stream observations (October 17, 2023) did not find CAFO permit violations.
- All of Schedule item “2.5 Manure Storage Facility – Engineering Evaluation” was not completed during the permit term (“Plans and Specifications” and “Corrections and Post Construction Documentation”) due to outside factors (COVID delays, engineering firm staffing shortages). DNR staff were made aware of these delays in a timely manner and reasonable completion dates for these items were placed in the new permit.

**This facility is considered in substantial compliance with their current permit.**

**Compliance determination entered by Todd Prill on 1/19/2024.**

Sample Point Designation For Animal Waste		
Sample Point Number	Sample Point Location, WasteType/sample Contents and Treatment Description (as applicable)	
001	WSF 1 (liquids) – Sample point 001 is for liquids from WSF 1. The facility is in the middle portion of the Home Farm. It was built in 2000 in a rectangular shape with top dimensions of 320 feet wide by 410 feet long by 15 feet deep and an estimated MOL capacity of 15,034,351 gallons. The facility is an earthen berm, earthen lined in-ground storage. This structure was designed by Roach & Associates LLC and built according to plans and specifications approved by the Clark County Land Conservation Department. The DNR does not have any records of an engineering evaluation being completed for this structure. This storage facility accepts liquid waste from the solids separation building and is emptied in spring, summer, and fall. A boat agitator is used to mix solids and liquids prior to emptying. A portion of manure is emptied using a permanent pipeline connection located in the northwest corner of the structure.	
002	WSF 2 (liquids) – Sample point 002 is for liquids from WSF 2. The facility is in the eastern portion of the Home Farm. It was built in 1974 in a rectangular shape with top dimensions of 70 feet wide by 310 feet long by 14 feet deep and an estimated MOL capacity of 1,792,535 gallons. The facility is as an earthen berm, earthen lined in-ground pit. It is not known if this structure was installed with approved plans and specifications. MSA Professional Services completed soil borings in 2021 and submitted an engineering evaluation in 2023. This storage facility primarily receives liquid waste from WSF 1. It also accepts solids from the calf barns and freestall barns. A transfer pipe allows liquids to flow back into WSF 1. This facility is emptied in the spring, summer, and fall. A boat agitator is used to mix solids and liquids prior to emptying.	

<b>Sample Point Designation For Animal Waste</b>	
<b>Sample Point Number</b>	<b>Sample Point Location, WasteType/sample Contents and Treatment Description (as applicable)</b>
003	Misc. Solid Manure (solids) – Sample point 003 is for miscellaneous waste solids directly land applied from the production area of the Home Farm. This includes freestall barn solids and digester solids. Representative samples shall be taken for each nutrient source type when land application occurs.
004	Anaerobic Digester (liquids) – Sample point 004 addresses all digested liquids located within the existing digester cells. The original facility was built in 2007 in the northcentral portion of the home farm with dimensions of 73 feet wide by 186 feet long by 16 feet deep and an estimated capacity of 1,400,000 gallons. The facility is an earthen berm, liquid tight concrete tank. Plans and specifications were statutorily approved by the DNR in 2013. The digester was extended to the east by 70 feet to increase the capacity to 1,920,000 gallons. The expansion was designed by Roach and Associates and built according to plans and specifications approved by the DNR on August 15, 2014. Liquid manure is supplied to the digester through transfer pipes from the freestall barns. Materials leaving the digester are pumped to the solids separation building through underground transfer pipes. Sampling from within the digester cell(s) for nutrient content is only required if the liquids (or solids) are to be manually pumped from the cell(s) and directly land applied.
005	Solids Separation Building (solids) – Sample point 005 is for solids from the Solids Separation Building. The facility is in the northcentral portion of the home farm. The structure is an above-ground, cast in place concrete floor and walls building used to separate and store manure laden solids. It is not known if this structure was installed with approved plans and specifications. The DNR does not have any records of an engineering evaluation being completed for this structure. This facility receives liquids from the digester. After solids are separated, they are dried and stored within the building until it is reused as bedding in the freestall barns. Manipulated liquids are transferred to WSF 1 through underground transfer pipes.
006	Bunker Feed Storage - Sample point 006 is for visual monitoring and inspection of Bunker Feed Storage and associated runoff control system. The facility is in the northeastern portion of the home farm. This structure stores corn silage, haylage and other feeds with greater than 40% moisture. The older, western portion of the structure (construction date unknown) has precast concrete walls and concrete/asphalt floors and is estimated at 117,600 square feet. It is not known if this portion was installed with approved plans and specifications. The DNR does not have any records of an engineering evaluation being completed for this structure. A feed pad expansion (36,975 square feet) and runoff collection system were designed by Roach & Associates LLC and built according to plans and specifications approved by the DNR on October 4, 2017. The structure has precast concrete walls and asphalt floors. Surface water and leachate are directed to a cast in-place concrete feed pad collection basin on the northern edge of the storage area. Liquids flow through a grate into a concrete leachate tank. A 12-inch PVC pipe at the base of the tank allows liquid in the tank to gravity flow to the Leachate Pit. Post construction documents were submitted to the DNR on August 6, 2019.
007	Leachate Pit (liquids) – Sample Point 007 is for liquids from the Leachate Pit. The facility is in the northeastern portion of the home farm. It was built in 2018 in a rectangular shape with top dimensions of 150 feet wide by 200 feet long by 8.5 feet deep and an estimated MOL capacity of 1,487,100 gallons. The facility is as an earthen berm, earthen lined in-ground pit. It was designed by Roach & Associates LLC and built according to plans and specifications approved by the DNR on October 4, 2017. Post construction documents were submitted to the DNR on August 6, 2019. The Leachate Pit receives process wastewater from the bunker feed storage area along with runoff from stacked manure solids. It is emptied in the spring, summer, and fall. Agitation is not required as it collects very few solids.

<b>Sample Point Designation For Animal Waste</b>	
<b>Sample Point Number</b>	<b>Sample Point Location, WasteType/sample Contents and Treatment Description (as applicable)</b>
009	<p>Calf Barns (solids) – Sample point 009 is for solids from the Calf Barns. These barns are in the southwestern portion of the home farm. The four barns were constructed in 2023 in a rectangular shape with dimensions of 35 feet wide by 140 feet long. This facility was designed by MSA Professional Services and built according to Plans and Specifications approved by the DNR on April 24, 2023. Approximately sixty-four calf hutches are in the interior of each barn. Solid manure produced in the barns is directly field applied or temporarily stored on the Bunker Feed Storage Area. Liquids are collected in gutters underneath the calf hutches and transferred through a 6-inch diameter underground pipe into a 3,000-gallon precast concrete reception tank. Tank contents are pumped through a 3-inch pipe into the Freestall Barn 1 manure channel.</p>

# 1 Livestock Operations - Proposed Operation and Management

## Production Area Discharge Limitations

Beginning on the effective date of the permit, the permittee may not discharge pollutants from the operation’s production area (e.g., manure storage areas, outdoor animal lots, composting and leachate containment systems, milking center wastewater treatment/containment systems, raw material storage areas) to navigable waters, except in the event a 25-year, 24-hour rainfall event (or greater) causes the discharge from a structure which is properly designed and maintained to contain a 25-year, 24-hour rainfall event for this location as determined under s. NR 243.04. If an allowable discharge occurs from the production area, state water quality standards may not be exceeded.

## Runoff Control

The permit requires control of contaminated runoff from all elements of the production area to prevent a discharge of pollutants to navigable waters in accordance with the Production Area Discharge Limitations and to comply with surface water quality standards and groundwater standards. Beginning on the effective date of this permit, (if needed) interim measures shall be implemented to prevent discharges of pollutants to navigable waters. In addition, permanent runoff control system(s) shall be designed, operated, and maintained in accordance with the requirements found in USDA Natural Resources Conservation Service standards and ch. NR 243, Wis. Adm. Code. If any upgrading or modifications to runoff controls are necessary, formal engineering plans and specifications must be submitted to the Department for approval.

## Manure and Process Wastewater Storage

The permit requires the operation to have adequate storage for manure and process wastewater and that storage or containment facilities are designed, operated, and maintained to prevent overflows and discharges to waters of the state. To prevent overflows, the permittee must maintain levels of materials in liquid storage or containment facilities at or below certain levels including a one-foot margin of safety that can never be exceeded. If any upgrading or modifications to the storage facilities are necessary, formal engineering plans and specifications must be submitted to the Department for approval.

The permittee currently has approximately 198 months of storage for liquid manure based on 3540 animal units. The permittee must maintain 180 days of storage, unless temporary reductions in required storage are approved by the Department.

## Ancillary Service and Storage Areas

The permittee shall take preventative maintenance actions and conduct visual inspections to minimize pollutant discharges from areas of the operation that are not part of the production area or land application areas. These areas are called ancillary service and storage areas and include access roads, shipping and receiving areas, maintenance areas, refuse piles and CAFO outdoor vegetated areas.

### **Nutrient Management**

With 3,540 animal units (2,500 milking and dry cows, 200 calves), it is estimated that approximately 25,144,380 gallons of liquid manure and process wastewater will be produced per year. The permittee owns 3,257.9 acres of cropland and has 956 acres controlled through contracts, rental agreements, leases, or manure agreements. On average over the permit term, 56% of cropland will receive manure and process wastewater on an annual basis. The permit requires all landspreading of manure and process wastewater be completed in accordance with an approved nutrient management plan. The permit will require sampling and analysis of manure and process wastewater that will be landspread. Landspreading rates must be adjusted based on sample analysis. The permit requires the permittee to maintain a daily log that documents landspreading activities. The permit also requires the submittal of an annual report that summarizes all landspreading activities. Plans must be updated annually to reflect cropping plans and other operational changes. Among the requirements, the plans must include detailed landspreading information including field by field nutrient budgets.

The permittee is required to implement a number of practices to address potential water quality impacts associated with the land application of manure and process wastewater. Among the permit conditions are restrictions on manure ponding, restrictions on runoff of manure and process wastewater from cropped fields, and setbacks from wells and direct conduits to groundwater (e.g., sinkholes, fractured bedrock at the surface). In addition, the permittee must implement a phosphorus based nutrient management plan that addresses phosphorus delivery to surface waters by basing manure and process wastewater applications on soil test phosphorus levels or the Wisconsin Phosphorus index. Additional phosphorus application restrictions apply to fields that are high in soil test phosphorus (>100 ppm).

The permittee must also implement conservation practices when applying manure near navigable waters and their conduits, referred to as the Surface Water Quality Management Area (SWQMA). These practices include a 100-foot setback from navigable waters and their conduits, a 35-foot vegetated buffer adjacent to the navigable water or conduit, or a practice that provides equivalent pollutant reductions equivalent to or better than the 100-foot setback.

In addition, the permittee must comply with restrictions on land application of manure and process wastewater on frozen or snow-covered ground. Included in these restrictions is a prohibition on surface applications of solid manure ( $\geq 12\%$  solids) on frozen or snow-covered ground during February and March.

### **Monitoring and Sampling Requirements**

The permittee must submit a monitoring and inspection program that outlines how the permittee will conduct self-inspections to determine compliance with permit conditions. These self-inspections include visual inspections of water lines, diversion devices, storage and containment structures and other parts of the production area. The permit requires periodic inspections and calibrations of landspreading equipment. The permittee must take corrective actions to problems identified inspections or otherwise notify the Department. Samples of manure, process wastewater and soils receiving land applied materials from the operation must also be collected and analyzed.

### **Sampling Points**

The permit identifies the different sources of land applied materials (e.g., manure storage facilities, milking centers, egg-washing facilities) as "Sampling Points." For these Sampling Points, the permittee is required to sample and analyze the different sources for nutrients and other parameters which serve as the basis for determining rates of application for these materials. Other areas are also identified as Sampling Points as a means of identifying them as areas requiring action by

the permittee, such as an upgrade or evaluation of a certain system or structure (e.g., runoff control systems), even though sampling is not actually required.

**Sample Point Number: 001- WSF 1; 002- WSF 2; 004- Anaerobic Digester; 007- Leachate Pit**

Monitoring Requirements and Limitations					
Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Notes
Nitrogen, Total		lb/1000gal	2/Month	Grab	
Nitrogen, Available		lb/1000gal	2/Month	Calculated	
Phosphorus, Total		lb/1000gal	2/Month	Grab	
Phosphorus, Available		lb/1000gal	2/Month	Calculated	
Solids, Total		Percent	2/Month	Grab	

**Sample Point Number: 003- Misc. Solid Manure; 005- Solids Separation Building, and 009- Calf Barns**

Monitoring Requirements and Limitations					
Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Notes
Nitrogen, Total		lbs/ton	Quarterly	Grab	
Nitrogen, Available		lbs/ton	Quarterly	Calculated	
Phosphorus, Total		lbs/ton	Quarterly	Grab	
Phosphorus, Available		lbs/ton	Quarterly	Calculated	
Solids, Total		Percent	Quarterly	Grab	

**Sample Point Number: 006- Bunker Feed Storage**

**1.1.1 Changes from Previous Permit**

- Sample point language was updated to describe nutrient sources more accurately (Sample Points 003, 004, 005, 006, and 007).

- Sample points 001 and 002 were switched and sample point language updated to describe nutrient sources more accurately.
- Sample Point 008 was deleted as manure stacking sites are not used.
- Sample Point 9 language was updated to reflect the new location of calf housing.

## 2 Schedules

### 2.1 Emergency Response Plan

Required Action	Due Date
Develop Emergency Response Plan: Develop a written Emergency Response Plan within 60 days of permit coverage, available to the Department upon request.	05/31/2024

### 2.2 Monitoring & Inspection Program

Use of the department’s monitoring and inspection program template is encouraged, but optional.

Required Action	Due Date
Proposed Monitoring and Inspection Program: Consistent with the Monitoring and Sampling Requirements subsection, the permittee shall update and submit a proposed monitoring and inspection program within 60 days of the effective date of this permit.	05/31/2024

### 2.3 Annual Reports

Submit Annual Reports by January 31st of each year in accordance with the Annual Reports subsection in Standard Requirements.

Required Action	Due Date
Submit Annual Report #1: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2025
Submit Annual Report #2: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2026
Submit Annual Report #3: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2027
Submit Annual Report #4: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2028
Submit Annual Report #5: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2029
Ongoing Annual Reports: Continue to submit Annual Reports until permit reissuance has been completed.	

### 2.4 Nutrient Management Plan

Submit annual nutrient management plan (NMP) updates by March 31 of each year. Note, in addition to annual NMP updates, submit NMP amendments and substantial revisions to the department for written approval prior to implementation of any changes to the NMP.

Required Action	Due Date
Management Plan Annual Update #1: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2025
Management Plan Annual Update #2: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2026
Management Plan Annual Update #3: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2027
Management Plan Annual Update #4: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2028
Management Plan Annual Update #5: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2029
Ongoing Management Plan Annual Updates: Continue to submit Annual Updates to the Nutrient Management Plan until permit reissuance has been completed.	

## 2.5 Manure Storage Facility - Installation

Includes repair of earthen liner in western portion and abandonment of eastern portion of WSF 2 (Sample Point 002)

Required Action	Due Date
Plans and Specifications: Submit plans and specifications for WSF 2 alterations for Department review and approval in accordance with Chapter 281.41, Wis. Stats., and Chapter NR 243, Wis. Adm. Code. See Standard Requirements for plan content information.	12/31/2024
Complete Installation: Complete construction of WSF 2. The facility shall be functional and in operation by the specified Date Due. Post construction documentation shall be submitted within 6 months of completion of the project.	12/31/2025

## 2.6 Submit Permit Reissuance Application

Required Action	Due Date
Reissuance Application: Submit a complete permit reissuance application 180 days prior to permit expiration.	09/30/2028

## 2.7 Explanation of Schedules

- The schedules contained in 2.1, 2.2, 2.3, 2.4, and 2.6 are standard permit schedules.



- 2.5 Manure Storage Facility - Installation is added to complete liner repairs to WSF 2.

## **Attachments:**

- Days of Storage Approval Letter (October 31, 2023)
- Nutrient Management Plan Approval Letter (October 26, 2023)
- Sample Point Map (January 2024)
- Public Notice (January 2024)

## **Expiration Date:**

**March 31, 2029**

**Prepared By: Todd Prill      Agricultural Runoff Management Specialist**

**Date: January 19, 2024**

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

PUBLIC NOTICE OF AVAILABILITY OF A NUTRIENT MANAGEMENT PLAN AND INTENT TO REISSUE A WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT No. WI-0059421-05-0

Permittee: Norm E Lane Inc, W267 Panther Creek Rd, Chili, WI, 54420

Receiving Water And Location: Unnamed Stream (WBIC 5015142) within the Upper Yellow River Watershed of the Central Wisconsin Basin, and groundwaters of the state.

Brief Facility Description : Norm E Lane Inc is an existing Concentrated Animal Feeding Operation (CAFO) located in the existing Concentrated Animal Feeding Operation (CAFO) located in the Township of Fremont, Clark County. Norm E Lane consists of one production site: the Home Farm located at W267 Panther Creek Road, Chili, WI 54420. The operation is owned and operated by Josh Meissner. The current herd size is 3,540 animal units (2,500 milking/dry cows and 200 calves). There is no expansion planned over the upcoming permit term. Approximately 25 million gallons of liquid manure and process wastewater, and 500 tons of solid manure will be generated annually at the current herd size. Manure and process wastewater is stored in one liquid waste storage facility. The total usable storage capacity is approximately 13.6 million gallons or approximately 198 days of storage capacity for liquid manure and at least 59 days for solid manure. Norm E Lane owns or rents 4,213 acres of cropland, of which approximately 4,153 acres are available for manure application.

The Department has tentatively decided that the above specified WPDES permit should be reissued.

Permit Drafter's Name, Address, Phone and Email: Todd Prill, DNR, 1300 W Clairemont Ave, Eau Claire, WI, 54701, (715) 214-8576, Todd.Prill@wisconsin.gov

Persons wishing to comment on or object to the proposed permit action, the terms of the nutrient management plan, or the application, or to request a public informational hearing may write to the Department of Natural Resources at the permit drafter's address. All comments or suggestions received no later than 30 days after the publication date of this public notice will be considered along with other information on file in making a final decision regarding the permit. Anyone providing comments in response to this public notice will receive a notification of the Department's final decision when the permit is re-issued. Where designated as a reviewable surface water discharge permit, the U.S. Environmental Protection Agency is allowed up to 90 days to submit comments or objections regarding this permit determination. If no comments are received on the proposed permit from anyone, including U.S. EPA, the permit will be re-issued as proposed.

The Department may schedule a public informational hearing if within 30 days of the public date of this notice, a request for a hearing is filed by any person. The Department shall schedule a public informational hearing if a petition requesting a hearing is received from USEPA or from 5 or more persons or if the Department determines there is significant public interest. Requests for a public informational hearing shall state the following: the name and address of the person(s) requesting the hearing; the interest in the proposed permit of the person(s) requesting the hearing; the reasons for the request; and the issues proposed to be considered at the hearing.

Information on file for this permit action, including the draft permit and fact sheet (if required), the operation's nutrient management plan and application may be inspected and copied at the permit drafter's office, Monday through Friday (except holidays), between 9:00 a.m. and 3:30 p.m. Please call the permit drafter for directions to their office location, if necessary. Information on this permit action may also be obtained by calling the permit drafter at (715) 214-8576 or by writing to the Department. Reasonable costs (15 cents per page for copies and 7 cents per page for scanning) will be charged for information in the file other than the public notice and fact sheet. Permit information is also available on the internet at: <http://dnr.wi.gov/topic/wastewater/PublicNotices.html>. Pursuant to the Americans with Disabilities Act, reasonable accommodation, including the provision of informational material in an alternative format, will be made to qualified individuals upon request.

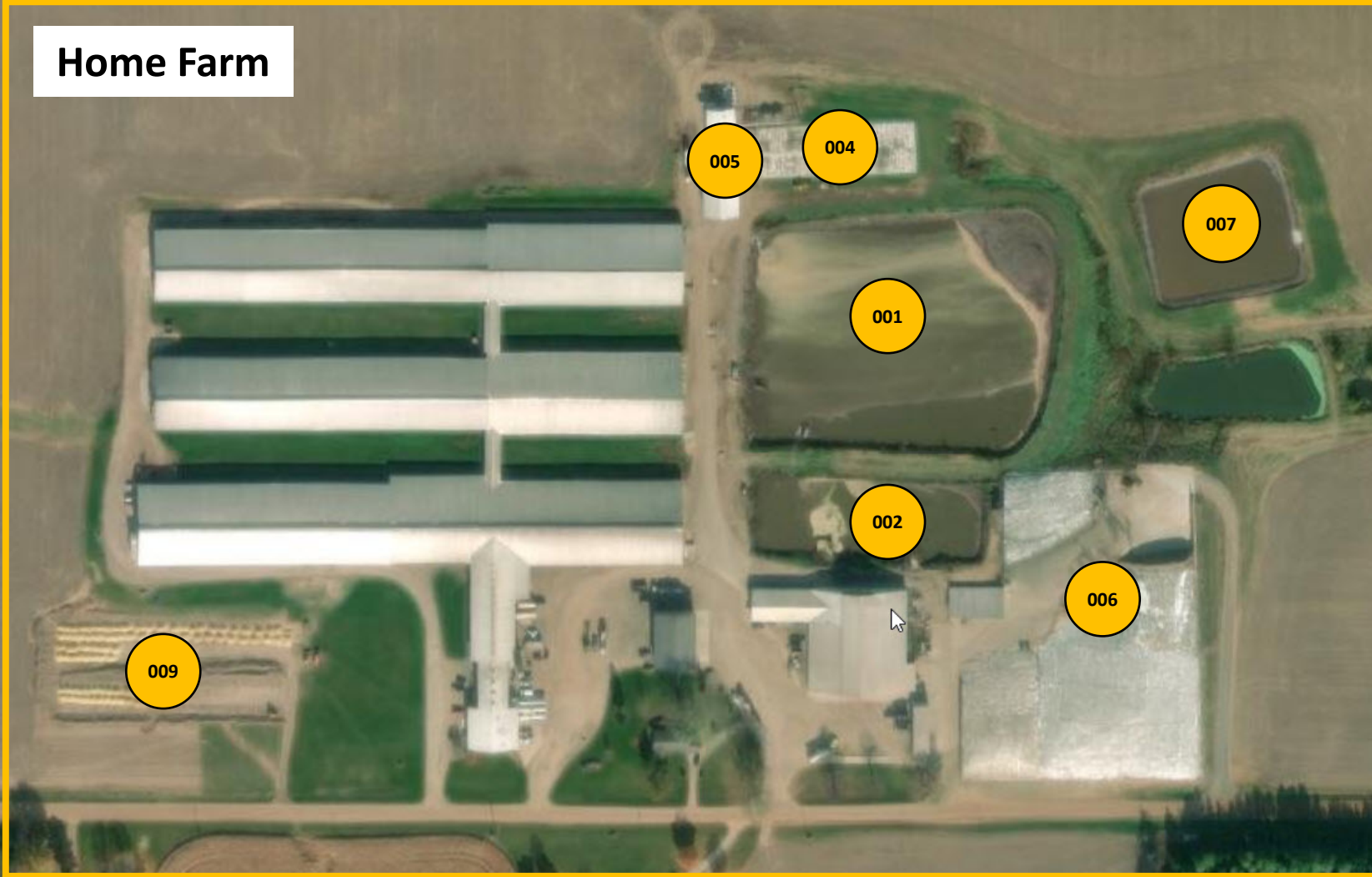
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Date Notice Issued: [Enter Date Notice Issued](#)

# Norm E Lane Inc. Sample Points

## Home Farm



## Sample Points – Home Farm

- |     |                            |     |                          |
|-----|----------------------------|-----|--------------------------|
| 001 | WSF 1                      | 006 | Bunker Feed Storage Area |
| 002 | WSF 2                      | 007 | Leachate Pit             |
| 004 | Anaerobic Digester         | 009 | Calf Barns               |
| 005 | Solids Separation Building |     |                          |

## Sample Points – Facility Wide

- |     |                    |
|-----|--------------------|
| 003 | Misc. Solid Manure |
|-----|--------------------|



October 26, 2023

Josh Meissner  
Norm E Lane Inc  
W267 Panther Creek Road  
Chili, WI 54420

Clark County  
Approval

SUBJECT: Conditional Approval of Norm E Lane Inc Nutrient Management Plan, WPDES Permit No. 0059421-05-0

Dear Mr. Meissner:

After completing a review of the Norm E Lane Inc. 2024-2028 Nutrient Management Plan (NMP), **the Wisconsin Department of Natural Resources (Department) is providing conditional approval that it is consistent with Nutrient Management Requirements in s. NR 243, Wis. Adm. Code.** This part of your WPDES permit application is now ready for the public notice and comment process as required by Ch. 283 Stats.

Before applying manure onto approved fields each season, the Department recommends Norm E Lane Inc. review the NMP with individuals involved with manure applications to ensure all are familiar with the approved manure spreading practices, spreading map restrictions, required field verifications, record keeping requirements, and conditions of this approval. Specifically, some fields in the Norm E Lane Inc. NMP may have:

- Soils with bedrock or seasonal perched water conditions within 24 inches of surface,
- Setback requirements due to streams, conduits to streams (such as man-made channels or road ditches), grassed waterways, wetlands, or wells,
- Evidence of soil erosion/flow channels.

Reviewing the NMP and checking fields for these features and soil conditions prior to manure applications will help Norm E Lane Inc. maintain compliance with their WPDES permit and Ch. NR 243 requirements.

**NORM E LANE INC. CAFO PERMIT NMP REMARKS SUMMARY**

- Outstanding plan overall. Easy to understand and a thorough job of providing documentation.
- Consider reducing planned liquid manure application rates on first year corn following alfalfa fields. Large nitrogen contributions from rotated alfalfa (90 pounds/acre) enables liquid manure rates to be up to 50% less than other crop rotations while still supplying adequate nitrogen for corn growth.
- The Norm E Lane Inc. 5-year NMP meets permit requirements for managing phosphorus, however, potential phosphorus and sediment losses can be reduced further by adding complementary management practices such as avoiding fall tillage on fields with waterways or nearby surface waters and less aggressive tillage or no-till when establishing small grains and soybeans.
- Excellent manure sampling frequency and use of lab results when planning future applications.

## FINDINGS OF FACT

The Department confirms that:

1. The farm has a current dairy herd size of 3540 animal units (2500 milking & dry cows and 200 calves). No expansion in animal units is planned during the permit term.
2. Engineering firm MSA estimates total annual liquid waste volume for Days of Storage calculations of approximately 25,144,342 gallons of manure/process wastewater. This matches closely with manure volumes reported in the 2022 and 2023 Annual Reports. To account for yearly volume variations, the reissuance NMP planned for annual applications of 31,472,700 gallons or more during the permit term. The NMP narrative estimates the farm will annually produce 767 tons of solid manure. This volume is greater than those reported in the 2022 and 2023 Annual Reports due to new roofed calf barns replacing outdoor calf hutches. To account for yearly volume variations, the reissuance NMP planned for annual applications of 848 tons during the permit term.
3. Surface water quality management areas (SWQMA) will be managed by the farm using application restriction option 1 (no manure within 25 feet of SWQMA or conduit, incorporate within remaining SWQMA area) and 5 (no application within 100 feet of navigable water or conduit when surface applied).
4. The phosphorus management method to minimize field losses is the P Index.
5. Norm E Lane Inc. currently has 4,213.9 acres (3,257.9 owned and 956 controlled through contracts, rental agreements, or leases, or under manure agreements) in the NMP, of which 4,152.6 acres are available for spreading after various restricted areas have been accounted for.
6. Some fields included in the NMP are directly adjacent to or have high potential to deliver nutrients and sediment to a 303(d) impaired water (South Branch Yellow River – WBIC 1372600 – total phosphorus – 2014, South Branch O’Neill Creek – WBIC 1749300 – total phosphorus – 2012, Yellow River – WBIC 1352800 – total phosphorus – 2012, Unnamed stream – WBIC 5015142 – total phosphorus – 2014).
7. No fields included in the NMP are directly adjacent to or have high potential to deliver nutrients and sediment to streams classified as an outstanding/exceptional water resource.
8. No fields included in the NMP are located within a well head protection area.
9. The following fields are identified as containing drain tile:

Dave Corner	Drecsher	Hokenson Main	Lagoon	Radue	Ott West	Smith North
Smith South						

10. All fields will be checked for the following features prior to/during manure or process wastewater applications:
  - soil areas with possible perched water conditions within 24 inches of surface (“W” soils) at the time of manure application.
  - required setbacks associated with wells, navigable waters, conduits to navigable waters, grassed waterways, and wetlands.
  - soil erosion/flow channels.
11. Surface applications of manure will not be completed when precipitation capable of producing runoff is forecasted within 24 hours of the time of planned application.

**CONDITIONAL NUTRIENT MANAGEMENT PLAN APPROVAL**

The Department hereby approves the 2024-2028 Norm E Lane Inc. Nutrient Management Plan subject to the following conditions and the applicable requirements of Ch. NR 243, Wis. Adm. Code:

FIELD AND MANURE MANAGEMENT

1. Fields not included in the NMP and new fields shall not receive manure or process wastewater applications until they have been properly soil sampled, entered in Snap Plus (or comparable software), evaluated for nutrient needs, and approved by the Department.
2. No fields have been approved to also receive industrial, municipal, or septage waste.
3. The following fields are prohibited from receiving **mechanical** applications of manure or process wastewater, unless the condition listed is corrected prior to proposed applications:
  - **Soil test phosphorus levels equal to or above 200 ppm (as of September 27, 2023)**

Calf Barn						
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If Norm E Lane Inc. wishes to use these fields for mechanical applications of manure or process wastewater, all necessary information shall be submitted to the Department prior to application to demonstrate compliance with NR 243 and other applicable codes. Written Department approval amending this condition approval must be received prior to application.

4. During the permit term, if field soil test phosphorus levels should become equal to or above 200 ppm P; those fields would be prohibited from receiving manure or process wastewater applications unless you obtain Department approval in accordance with NR 243.14(5)(b)2., Wis. Adm. Code.
5. At a minimum, all liquid manure samples collected should be analyzed for percent dry matter, total nitrogen, percent NH<sub>4</sub>-N, percent NO<sub>3</sub>-N, phosphorus, potassium, and sulfur.

6. If manure sample results have a dry matter (DM) content less than 2.0% and the percent ammonium ( $\text{NH}_4^+$ ) is greater than 75% of the total N, Norm E Lane Inc. may use the following equation to adjust the first-year available nitrogen when applications are injected or incorporated within 1 hour:

$$\text{First-Year Available N} = \text{NH}_4\text{-N} + [0.25 \times (\text{Total N} - \text{NH}_4\text{-N})]$$

7. Norm E lane Inc. shall record daily manure applications by using form 3200-123A or other documentation with equivalent information. This information shall be retained at the farm and provided to the department upon request.
8. Norm E Lane Inc. shall annually submit a spreading report that summarizes the land application activities listed under NR 243.19(3)(c)5., Wis. Adm. Code and contained in form 3200-123.

#### WINTER SPREADING

9. **Liquid** manure applications during winter conditions, as defined by NR 243.14(7), Wis. Adm. Code, are prohibited except for emergency applications.
10. The following fields have areas determined to have a low risk of runoff and are approved for winter spreading solid manure, emergency applications of liquid manure and frozen liquid manure:

Sanger	Kleinschmidt	Salsweidel	York	Windmill	Krause North	Radue Pole
Radue	Grube	Mackaway	Rollins	Murphy	Breheim	Breheim East
Hildebrandt	Thornton	Vaulpel West	Vaulpel North	Vaulpel Lagoon	Vaulpel Lagoon East	Vaulpel South
Britten	Smith North	Smith South	Schlinsog North	Schlinsog South		

11. Winter applications of liquid manure shall only occur under emergency situations, after notifying the Department and receiving verbal approval.
12. Liquid applications shall be limited to 3,500 gallons per acre or 30 lbs. P per acre, whichever is less, on slopes 2-6% and 7,000 gallons per acre or 60 lbs. P per acre, whichever is less, on slopes 0-2%. Winter applications of solid manure shall be limited to 60 lbs. P per acre.
13. No **liquid or solid** manure applications may occur during the “high risk runoff period” of February 1 to March 31 pursuant to s. NR 243.14(6)(c) and NR 243.14(7)(c), respectively.

#### HEADLAND STACKING

14. No headland stacking sites are approved for non-winter and winter headland stacking.

#### MANURE & PROCESS WASTEWATER IRRIGATION

15. No fields were requested for approval to receive manure or process wastewater from irrigation.

This conditional approval does not limit the Department's regulatory authority to require NMP revisions based upon new information or request additional information to confirm or ensure your farm operation remains in compliance with NR 243 and your WPDES permit conditions. If additional information, project changes or other circumstances indicate a possible need to modify this approval, the Department may ask you to provide further information relating to this activity.

Please keep in mind that approval by the Department of Natural Resources – Runoff Management Program does not relieve you of obligations to meet all other applicable federal, state or local permits, zoning, and regulatory requirements.

If you have any questions regarding this approval, I can be reached at 715-214-8576 or [Todd.Prill@Wisconsin.gov](mailto:Todd.Prill@Wisconsin.gov)

Sincerely,

A handwritten signature in cursive script that reads "Todd m. Prill".

Todd Prill  
Certified Crop Advisor (CCA)  
WDNR Agricultural Runoff Specialist

cc: Nikki Wagner, crop consultant ([nikki\\_wagner@rockriverlab.com](mailto:nikki_wagner@rockriverlab.com))  
Jim Arch, Clark County LCD ([james.arch@co.clark.wi.us](mailto:james.arch@co.clark.wi.us))  
Aaron O'Rourke, WDNR Nutrient Management Program Coordinator ([Aaron.Orourke@Wisconsin.gov](mailto:Aaron.Orourke@Wisconsin.gov))  
File





October 31, 2023

FILE REF: R-2023-0194  
 WPDES Permit #: WI-0059421

Josh Meissner  
 Norm E Lane Inc  
 W267 Panther Creek Rd  
 Chili, WI 54420

Subject: Days of Storage Review for Norm E Lane Inc SE¼ of T25N, R01E, Section 13 in Fremont Township, Clark County – NO ADDITIONAL ACTION REQUIRED

Dear Mr. Meissner:

This letter is to inform you that the Wisconsin Department of Natural Resources (Department) has completed its review of the calculation of days of storage submitted under certification by Jenise Anderson, MSA Professional Services on September 27, 2023 on behalf of Norm E Lane Inc.

The Department reviewed the submitted calculations in accordance with ss. NR 243.14(9) and NR 243.15(3)(i) to (k), Wis. Adm. Code. Under s. NR 243.17(3)(c), Wis. Adm. Code, the permittee shall demonstrate compliance with the 180-day design storage capacity requirement at specified times. For the following liquid manure storage calculations, the Department has determined **no additional actions** on your part are required.

**Days of Available Liquid Waste Storage:** The submitted information states that Norm E Lane Inc has **198 days** of liquid waste storage based on the volumes listed in the table below with respect to s. NR 243.15(3)(i) to (k), Wis. Adm. Code. The current number of animal units provided for the calculation is **3540 AU**. The liquid waste volumes are based on the NRCS spreadsheet and other estimated or calculated values for a collection period of 365 days. Norm E Lane has not yet decided whether to bring WSF 2 into compliance or to abandon it. As the conservative assumption, the calculations below assume that WSF 2 is not used for liquid waste storage but the net precipitation on this storage is still included. With this assumption, Norm E Lane can still operate above 180 days. The farm also has a Process Wastewater storage (PWW) which provides full runoff collection of the 25-yr, 24-hr storm event and leachate from the feed storage area. This is handled separately from the liquid manure, so it is not included in the calculations.

Total Annual Liquid Waste Volume (NRCS Table Values)	
Liquids Collected/Stored	Annual Gallons
Manure and Bedding:	15,638,364
Parlor Wastewater:	6,389,900
Net Precipitation on Storage Surface(s) (190,512 SF):	2,466,116
WSF 2 Net Precipitation on Storage	650,000
<b>Total Liquid Waste Stored Below the MOL</b>	<b>25,144,380</b>

Total Liquid Waste Storage (Gallons)						
Waste Storage	Total Vol. from Top to Bottom	-Solids Storage	-25-yr, 24-hr Precip on Storage	-25-yr, 24-hr Collected Runoff	-Freeboard Vol.	Max Operating Level (MOL) Vol.
#1(hp1)	16,612,535	1,033,032	560,086	0	1,346,408	13,673,009
<b>Total MOL Vol.</b>						<b>13,673,009</b>

Should you have any questions, please contact Bernie Michaud, DNR Madison office or your regional CAFO Specialist.

**NOTICE OF APPEAL RIGHTS**

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to WIS. STAT. §§ 227.52 and 227.53, 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 must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to WIS. STAT. § 227.42, you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with WIS. ADMIN. CODE § NR 2.05(5), and served on the Secretary in accordance with WIS. ADMIN. CODE § NR 2.03. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES



Bernie Michaud, P.E.  
CAFO Engineer Supervisor  
Watershed Management Program



Jazmin Lara  
Engineering Intern  
Watershed Management Program

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