



March 29th, 2024

Kewaunee County
Approval

John J. Pagel
Pagel's Ponderosa Dairy, LLC
N4893 Hwy C
Kewaunee, WI 54216

SUBJECT: Conditional Approval of Pagel's Ponderosa Dairy, LLC Nutrient Management Plan,
WPDES Permit No. 0059374-05-0

Dear Mr. Pagel:

After completing a review of Pagel's Ponderosa Dairy, LLC 2023-2027 Nutrient Management Plan (NMP) the Wisconsin Department of Natural Resources (Department) is providing conditional approval that it is consistent with s. NR 243.14, 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 Pagel's Ponderosa Dairy, LLC review the NMP with those individuals involved with manure applications to ensure all remain familiar with the approved manure spreading protocol, spreading maps, field and map verification, record keeping requirements, and all the conditions of this approval. Specifically, some fields in Pagel's Ponderosa Dairy, LLC may have:

- Soils that may have bedrock or groundwater within 24 inches of surface,
- Multiple setback areas due to streams, conduits to streams, grassed waterways, wetlands or wells, and
- Evidence of possible soil erosion/flow channels. Note: road ditches or other man-made channels may be considered flow channels or conduits to navigable water and may be subject to a SWQMA and setback.

Reviewing the NMP and checking fields for these features and soil conditions prior to manure applications will help Pagel's Ponderosa Dairy, LLC maintain compliance with their WPDES permit and Ch. NR 243 requirements.

FINDINGS OF FACT

The Department confirms that:

1. A current dairy herd size of 11,395 animal units (6,877 milking & dry cows, 252 heifers at 1,000 lbs, 1,856 heifers at 600 lbs, and 1,881 calves). Currently there are no planned expansions in the next permit term.
2. Manure generation and spreading records indicate your herd will annually generate approximately 104,314,148 gallons of manure and process wastewater and 5,364 tons of solid manure in the first year of the permit term.
3. The use of application restriction options 1 and 5 within surface water quality management areas.
4. The use of phosphorus delivery method P Index.

5. That Pagel's Ponderosa Dairy, LLC currently has 10,964 acres (3,040.55 owned and 7,923.45 controlled through contracts, rental agreements or leases, or under manure agreements) of which 10,548.5 are spreadable acres.
6. That some fields included in the NMP are directly adjacent to or have high potential to deliver nutrients and sediment to Ahnapee River (listed 303(d) impaired water by 'PCB's' & Unknown Pollutant'), Rio Creek, East Twin River, Black Creek, King Creek, Neshota River, Silver Stream (listed 303(d) impaired water by 'total phosphorus'), Kewaunee River (listed 303(d) impaired water by 'total phosphorus' & 'PCB's').
7. That some fields included in the NMP are directly adjacent to or have high potential to deliver nutrients and sediment to outstanding/exceptional waters including: Little Scarboro Creek, East Twin River.
8. That 157 fields are tiled.

- A-1	- A-2-3	- AB-1	- AB-2
- A-Salz-1	- A-Salz-2	- A-Salz-3	- A-Salz-4
- A-Salz-5	- A-Salz-6-7	- A-Salz-8	- A-Salz-20
- A-Salz-GD-2	- AZim-L-1	- AZim-L-2	- AZim-L-3
- Azim-L-4	- Azim-L5	- Azim-R-1-2-3	- Azim-R-4-5-6
- B-1	- BK-1	- BS-1	- BS-2
- BS-3	- BS-4	- CK-1	- DJ-1
- DJ-3	- DJ-4	- DJ-5-6	- DJ-7
- DJ-8	- DJ-9	- GB-1	- GB-2
- GB-3	- GB-4	- GB-5	- GB-6
- GO-1	- GR-1	- GR-2	- GR-3
- H-1	- H-4	- H-6	- H-7
- H-9	- H-9A	- H-10	- H-11
- H-12	- HT-1	- HT-2	- HT-3
- HT-4	- HT-5	- HT-6	- J-1
- J-2	- J-3	- J-5	- J-6
- J-7	- J-9	- J-10	- J-11
- J-14	- J-15	- J-15A	- J-16
- JKielpikowski-LK-1	- Josh Treml WL-1	- Kevin Pribyl 1-2	- Kevin Pribyl 3
- Kevin Pribyl 4-5	- Kevin Pribyl 6	- Kevin Pribyl-Norman	- KSwagel-H-1
- KSwagel-H-5-6	- KSwagel-MS-2	- KSwagel-S-2	- KSwagel-S-5
- KSwagel-VS-1	- KSwagel-VS-2-4	- KSwagel-VS-3	- L-1
- LH-1	- LH-3	- LH-4	- LH-5
- LH-6	- LH-7	- LH-8	- LH-9
- LH-13	- LH-14	- Lyons 1-2	- Lyons 7
- M Chervenka-1	- M Chervenka-3	- M-Chervenka-4	- M-Chervenka-16
- Merlin Pribyl 1-2	- Merlin Pribyl 3-4	- ML-JP-1	- ML-Kroll-1
- ML-Kroll-2	- ML-Kroll-3	- ML-Kroll-4	- MP-1
- M-Steinhorst-DR-1	- MY-2	- NM-1	- O-1
- O-5	- PR-1	- PR-2	- PW-1
- PW-2	- PW-3	- PW-4	- RP-1
- RP-2	- RP-3	- RP-4	- RP-5
- RP-6	- RP-7	- RP-8	- S Sevcik-4
- S Sevcik-5	- S Sevcik-6	- S Sevcik-7	- S Sevcik-TB-29
- Salentine-K-3	- Salentine-K-4	- Salentine-K-5	- School House-1

- School House-2
- Silver B-13
- SP-1
- Tim Mleziva 3-4-6
- WSelner-2-4
- School House-3
- Silver-B Wochos 1
- SP-2
- Tim Mleziva-26
- Silver B-10
- Silver B- Wochos 2
- Tim Mleziva-1
- TR-1
- Silver B-11-12
- SilverB- Gulbrand-1
- Tim Mleziva-2
- WSelner-1-3

9. That all fields will be checked for the following features prior to/during manure or process wastewater applications: soil areas with possible shallow groundwater (i.e., within 24 inches of surface) at the time of manure application; required setbacks associated with wells, navigable waters, conduits to navigable waters, grassed waterways, wetlands, possible soil erosion/flow channels.
10. That 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 2023-2027 Pagel's Ponderosa Dairy, LLC 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 into Snap Plus, evaluated for their nutrient needs, and approved by the Department.
2. The following fields have also been approved to receive industrial, municipal, or septage waste:

Field Name:	Other Permittee Name:	Other Permittee Field ID:	DNR #:
A-Salz-GD-1	PACKERLAND WHEY PRODUCTS INC	2	116741
Jason W Hermans	NLC ENERGY DENMARK LLC	1	96923
WS-5	PACKERLAND WHEY PRODUCTS INC	4	42622
Tim Mleziva-3-4-6	TIMMAR SANITATION, INC.	4	45320
A-Salz-GD-3	PACKERLAND WHEY PRODUCTS INC	2	116741
Tim Mleziva-3-4-6	TIMMAR SANITATION, INC.	3	51890
Tim Mleziva-3-4-6	TIMMAR SANITATION, INC.	1	51888
A-Salz-18	PACKERLAND WHEY PRODUCTS INC	18	116737
Tim Mleziva-1	TIMMAR SANITATION, INC.	3	51890
A-Salz-1	PACKERLAND WHEY PRODUCTS INC	1	116730

Tim Mleziva-3-4-6	TIMMAR SANITATION, INC.	2	51889
A-Salz-6-7	PACKERLAND WHEY PRODUCTS INC	6	116735
Tim Mleziva-15-16	TIMMAR SANITATION, INC.	1	51692
Tim Mleziva-2	TIMMAR SANITATION, INC.	4	45320
RSwagel-7	PACKERLAND WHEY PRODUCTS INC	7	109019
Tim Mleziva-2	TIMMAR SANITATION, INC.	3	51890
Tim Mleziva-15-16	TIMMAR SANITATION, INC.	2	51693
A-Salz-2	PACKERLAND WHEY PRODUCTS INC	2	116731
A-Salz-19	PACKERLAND WHEY PRODUCTS INC	19	116738
Tim Mleziva-1	TIMMAR SANITATION, INC.	4	45320
A-Salz-GD-3	PACKERLAND WHEY PRODUCTS INC	3	116742
RSwagel-12-13	PACKERLAND WHEY PRODUCTS INC	4	42622
A-Salz-4	PACKERLAND WHEY PRODUCTS INC	4	116733
Jason W Hermans	NLC ENERGY DENMARK LLC	2	116075
Jason W Home	NLC ENERGY DENMARK LLC	1	67520
A-Salz-20	PACKERLAND WHEY PRODUCTS INC	20	116739
RSwagel-14-15	PACKERLAND WHEY PRODUCTS INC	9	109037
RSwagel-4-5-6	PACKERLAND WHEY PRODUCTS INC	1	42620
A-Salz-GD-1	PACKERLAND WHEY PRODUCTS INC	1	116740
A-Salz-3	PACKERLAND WHEY PRODUCTS INC	3	116732
A-Salz-5	PACKERLAND WHEY PRODUCTS INC	5	116734
A-Salz-GD-2	PACKERLAND WHEY PRODUCTS INC	2	116741

Prior to any manure applications on these fields Pagel's Ponderosa Dairy, LLC shall contact the entities listed above to obtain recent spreading records and make the necessary adjustments to the planned manure application rates. At the end of each year Pagel's Ponderosa Dairy, LLC shall contact each entity listed above to obtain spreading records from the previous year so that they can be properly tracked in the NMP. Please Note: Pagel's Ponderosa Dairy, LLC is responsible for obtaining nutrient content values for all other wastes spread on any field in their NMP.

3. The following fields are prohibited from receiving applications of manure or process wastewater:

The following fields have expired soil tests or insufficient soil sampling density* listed below:

- | | | |
|--------------------------|-----------------------|---------------------|
| - PFS PFS-1 (>200 ppm P) | - A-Salz-20 | - A-Salz-3 |
| - A-Salz-4 | - A-Salz-5 | - A-Salz-GD-1 |
| - CKinstetter-13 | - CKinstetter-14 | - CKinstetter-21-22 |
| - CKinstetter-B-1 | - CKinstetter-B-2 | - CKinstetter-DNR |
| - CKinstetter-LJ-1-LJ-1A | - H-Paplham-B5 | - H-PaplhamB-7 |
| - H-Paplham-SR-3-4 | - Kevin Pribyl 1-2 | - Joe M.NH-5 |
| - Kevin Pribyl 3 | - Kevin Pribyl 4-5 | - Kevin Pribyl-21 |
| - Kevin Pribyl-22 | - Kevin Pribyl-23 | - Kevin Pribyl-24 |
| - Kevin Pribyl-6 | - Kevin Pribyl-Norman | - LL Mart |
| - Lyons 10 | - Lyons 11 | - Lyons 12 |
| - Lyons 1-2 | - Lyons 14 | - Lyons 16 |
| - Lyons 16A | - Lyons 17 | - Lyons 18 |
| - Lyons 24 | - Lyons 25 | - Lyons 26 |
| - Lyons 26A | - Lyons 27 | - Lyons 28 |
| - Lyons 3 | - Lyons 4 | - Lyons 5 |
| - Lyons 6 | - Lyons 7 | - Lyons 9 |
| - Matt Kin-DNR-3 | - Miesler-29 | - Mile Long Farm 7 |
| - Mile Long Farm 8 | - Mile Long Farm 9 | - RDebroux-RD-1 |
| - RDebroux-RD-2 | - RDebroux-RD-3 | - RDebroux-RD-4 |
| - Silver B-Trust | - D Rank LT-9* | - M Chervenka-2N* |
| - S Sevcik-4* | | |

If Pagel's Ponderosa Dairy, LLC wishes to use these fields for 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. If existing fields yield a soil test results ≥ 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. All liquid manure samples collected may be analyzed, at a minimum, for percent dry matter, total nitrogen, percent $\text{NH}_4\text{-N}$, percent $\text{NO}_3\text{-N}$, phosphorus, potassium, and sulfur.
6. If manure sample results have a dry matter (DM) content less than 2.0% and the percent ammonium (NH_4^+) is greater than 75% of the total N, Pagel's Ponderosa Dairy, LLC 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. Pagel's Ponderosa Dairy, LLC shall record daily manure applications by using form 'Manure Application Checklist/Loadsheets'. These forms shall be retained at the farm and provided to the department upon request.
8. Pagel's Ponderosa Dairy, LLC shall annually submit a spreading report that summarizes the land application activities listed under NR 243.19(3)(c)5., Wis. Adm. Code by using 'CAFO Annual Spreading Report' as generated by Snap Plus.

WINTER SPREADING

9. Liquid manure applications during winter conditions, as defined by NR 243.14(7), Wis. Adm. Code, are prohibited with the exception of emergency applications.
10. The following field(s) are approved for winter spreading solid manure, emergency applications of liquid manure and frozen liquid manure:
- | | | | |
|------------------|--------|----------|--------|
| - H-1 | - H-7 | - BL-2 | - BL-3 |
| - CK-4 | - CK-5 | - DJ-5-6 | - HT-3 |
| - HT-4 | - HT-5 | - HT-6 | - J-15 |
| - O-5 | - LH-5 | - LH-6 | - RP-4 |
| - Silver B Trust | - SP-2 | - K-3 | - A-4 |
| - A-4A | | | |
11. Winter spreading of solid and liquid manure may not occur during the “high risk runoff period” pursuant to s. NR 243.14(6)(c) and NR 243.14(7)(c), respectively.
12. Winter applications of liquid manure shall only occur under emergency situations, after notifying the Department and receiving verbal approval.
13. 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.

HEADLAND STACKING

14. No headland stacking sites are approved.

MANURE & PROCESS WASTEWATER IRRIGATION

15. Irrigation of manure or process wastewater is prohibited.

NR243.143/151.075 SILURIAN BEDROCK PERFORMANCE STANDARDS

16. Manure generated by Pagel’s Ponderosa Dairy, LLC that is mechanically applied to the following approved fields meet planning requirements under NR243.143/151.075, Silurian bedrock performance standards. The following fields are required to meet all requirements under NR243.143/151.075, Silurian bedrock performance standards immediately following this approval.

- A- Salz-17	- A-Salz-10-11-12	- A-Salz-13-14-15	- A-Salz-16
- A-Salz-18	- A-Salz-20	- A-Salz-8	- BK-1
- CB-1	- CB-2	- CB-3	- CB-4
- CKinstetter-LJ-1- LJ-1A	- D Rank LT-1	- D Rank LT-2	- D Rank LT-5
- D Rank LT-9	- D Rank-13-14	- D Rank-16	- D Rank-17
- DM-1	- DM-1A	- DM-2	- DM-2A
- DM-3	- DM-4	- Dubuois LT-1 (S01)	- J-2
- J-3	- J-5	- J-6	- JL-Nooker-1
- Joe M.NH-5	- Kevin Strabel-16	- Kevin Strabel-17	- KSwagel-JH-1
- KSwagel-JH-2	- LA-7-8	- Lyons 10	- Lyons 24
- Lyons 3	- Lyons 4	- Lyons 5	- Lyons 6
- Lyons 7	- Lyons 9	- MI-1	- Miesler-29

- ML-Dufek 2A
- PFS CU-3
- PFS-7
- TRabas-24-28
- MY-1
- PFS-3A
- PFS-8
- MY-2
- PFS-4
- Renke-Izzy-1
- PFS CU-2
- PFS-5
- STP-2

SUBMITAL AND RECORDKEEPING REQUIREMENTS

17. A copy of this conditional approval shall be included in all future annual Nutrient Management Plan Updates in addition to the NR 243 and NRCS 590 checklists.

This conditional approval does not limit the Department's regulatory authority to require NMP revisions (based upon new information or manure irrigation research findings) or request additional information in order 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 608-212-8460 or Ashley.Scheel@Wisconsin.gov.

Sincerely,



Ashley Scheel, CCA
 WDNR Nutrient Management Plan Reviewer
 Wisconsin Department of Natural Resources

cc: James Salscheider, WDNR Agricultural Runoff Specialist (James.Salscheider@Wisconsin.gov)
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 File