

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

NOTICE OF FINAL DETERMINATION TO MODIFY A WISCONSIN POLLUTANT DISCHARGE
ELIMINATION SYSTEM (WPDES) PERMIT No. WI-0062928-04-2

Permittee: Ridge Breeze Dairy, W2686 390th Ave, Maiden Rock, WI, 54750

Facility Where Discharge Occurs: Ridge Breeze Dairy, LLC, W2686 390th Avenue Maiden Rock

Receiving Water and Location: Unnamed Tributary to Rush River

Brief Facility Description: Ridge Breeze Dairy, LLC is a Concentrated Animal Feeding Operation (CAFO) dairy farm located in Salem Township in Pierce County. The facility is owned and operated by Breeze Dairy Group, and currently operates with approximately 1,700 milking/dry cows (~ 2,380 animal units). The operation is proposing to expand to approximately 6,200 milking/dry cows and 300 heifers (~ 9,010 animal units) in 2025.

Permit Drafter's Name, Address and Phone: Jeff Jackson, DNR, 890 Spruce St, Baldwin, WI, 54002, (715) 210-1415

Basin Engineer's Name, Address, and Phone: Adebowale Adesanwo, 1300 W Clairemont Avenue, Eau Claire, WI 54701, (715) 492-4047 (adebowale.adesanwo@wisconsin.gov)

Date Permit Signed/Issued for Modification: February 13, 2025

Date of Expiration: December 31, 2026

Public Informational Hearing Held On: July 11, 2024, via Zoom

Reason for Modification: Ridge Breeze Dairy, LLC requested a modification to their WPDES CAFO permit to accommodate the addition of three waste storage facilities (WSF-4, WSF-5, and WSF-6) and a stacking pad. New sample points describing the new structures have been added to the permit. Existing and proposed storage structures provide the operation with 240+ days of liquid waste storage, based on expanded animal numbers. Only aspects of the modification action are subject to the public input process. This includes the addition of sample points 011 (WSF-4), 012 (WSF-5), 013 (WSF-6), 015 (stacking pad), and the recently approved nutrient management plan.

Following the public informational hearing and comment period, the Department has made a final determination to **modify** the WPDES permit for Ridge Breeze Dairy, LLC for this existing source discharge. This includes the approval to add three waste storage facilities to the permit, increased dairy herd size to 9,010 animal units, and adding additional acres to the nutrient management plan. The permit application information from the WPDES permit file, comments received on the proposed permit and applicable Wis. Adm. Codes were used as a basis for this final determination.

The Department has the authority to issue, modify, suspend, revoke and reissue or terminate WPDES permits and to establish effluent limitations and permit conditions under ch. 283, Stats.

Following is a summary of significant comments and any significant changes which have been made in the terms and conditions set forth in the draft permit:

Comments Received from the Applicant, Individuals or Groups and Any Permit Changes as Applicable

Applicable Permit Changes

1. The following dates from the draft WPDES CAFO permit have been updated as follow:
 - Permit Modification Date: **February 13, 2025**
 - Emergency Response Plan Date: **March 15, 2025**
 - Monitoring & Inspection Program Date: **March 15, 2025**
2. A permit schedule item has been added which requires the permittee submit a Mortality Management Plan for department review and approval. Plan shall identify daily and catastrophic mortality disposal practices that will be implemented to stay compliant with permit pollutant discharge limitations. This Mortality Management Plan shall be submitted by **March 15, 2025**, within 30 days of permit modification.

Nutrient Management Focused Comments

Comment: We request that the DNR require RBD to update all of their out-of-date, incorrect and falsified documents and resubmit all document packages in their entirety.

Response: As a result of received public comments, the department performed further review of submitted materials and conducted inspections of additional fields in the nutrient management plan. As a result, the department requested some restriction maps and associated documents be updated. These documents have been uploaded into the application document set.

Comment: How many CAFOs can be supported for land needs for manure application? I'm talking not only in Pierce County but statewide? Due to nutrient overloading, restricted areas, rental agreements ending for whatever reason (landowner death, landowners pulling their land, development on that land, >200ppm phosphorus, etc.). I am requesting that Pierce County and the DNR collaborate to investigate truly how many acres are remaining in Pierce County for manure spreading, including a heavy reserve of land to set aside for use for manure spreading for situations when phosphorus levels >200 and the field should no longer receive manure. Dr. Steve Oberle said that fields that have phosphorus levels of 100ppm take up to 24 years to reach the optimum level of 20 ppm; I can only assume that fields with phosphorus levels of 200 ppm will take 48 years or more to reach optimum level.

Response: The Ridge Breeze Dairy nutrient management plan demonstrated compliance with phosphorus delivery requirements. In accordance with NR 243.14(5), Ridge Breeze Dairy has demonstrated that fields utilize the phosphorus index as their method of phosphorus management. This requires a reduced rate of application on any fields with a soil test P value of 101-200 ppm. CAFO manure applications are prohibited on any field where the soil test P value exceeds 200 ppm.

It is outside of the Department's jurisdiction to establish quotas or dictate business models for agricultural operations. The Department verifies that the fields in the nutrient management plan are not in any other CAFO plan, and that any outside nutrient sources are recorded.

Comment: All of the field maps, restriction maps, winter spreading maps, field lists, soil test results, etc., need to be updated by Ridge Breeze Dairy. Many landowners have come forward wanting their land removed. The NMP narrative landowner list needs to be updated.

Response: Additional information was submitted by Ridge Breeze Dairy after the public notice and public informational hearing. These documents have been uploaded into the document set.

Comment: It is requested that the DNR and Pierce, St. Croix and Pepin Counties do a thorough review of ALL proposed land for manure application, to make sure each field is set up with established grassed waterways to safely receive manure during land application. Fields that do not have established grassed waterways should be required to have them prior to manure application. Fields that do not have established grassed waterways should be removed from the NMP and list/acreage of eligible fields/ acreage for manure. Re-evaluation of ALL fields and ALL potential eligible acreages is requested.

Response: Based on the department's review, the land in the nutrient management plan meets the requirements of NR 243.14. If specific examples or non-compliance are observed, please report those specific issues to the department and we will investigate.

Comment: Daily spread logs from 2023: No spreaders listed. Ridge Breeze is not following the manure spreading self-reporting requirements.

Response: The permittee is required to maintain records on the fields, acres, manure source and waste type, sampling results, the name and address of the person(s) receiving manure, spreader volume, number of loads, nutrients applied to each field, weather conditions, and antecedent soil conditions for all non-emergency land application of manure per NR 243.19 (2)(b). The name of a spreader is not required information, though it can be tracked by the facility in the Daily Log SnapPlus report.

Comment: In the NMP narrative, page 11 of 28 under “Soil Test P Fields”, item (1), soil test P levels shall not increase over a crop rotation unless DNR provides written approval. It appears that many fields exceed the crop rotation soil P level. Please provide all of the DNR documents of written approval for Ridge Breeze to spread manure on these fields.

Response: This section of the narrative refers to fields that are using the soil test P phosphorus management strategy. Ridge Breeze Dairy has stated that they will use the P Index strategy for their phosphorus management strategy. This requires that each field be at a P Index of 6 or less. The department has determined that all fields meet those P Index requirements.

Comment: Is it true that hay fields can see an up to 30% reduction in the next crop of hay’s yield, after that field has received liquid manure? For example, a hay field has first crop cut, then liquid manure is applied immediately after harvest. Is it true that the second crop hay could see a yield reduction of up to 30%?

Response: This is a case-by-case issue that would depend on many factors. It is a common practice in Wisconsin to apply liquid manure immediately after a cutting of hay.

Comment: SnapMaps 20 has mention of karst features in eastern WI counties. We also have sensitive karst features in western WI that should be considered in the making of these Snap Plus maps. How can western Wisconsin’s karst features be included in this map making program? It would be very helpful for not only the map makers and farms, but also for protection of our valuable natural resources.

Response: SnapMaps includes layers showing Silurian bedrock, which has performance standards for CAFO and non-CAFO manure applications spelled out in NR 151. Other areas of karst environment exist aside from this Silurian bedrock layer, which must meet the state requirements for liquid and solid manure applications if there is shallow bedrock present. SnapMaps shows two layers of R soils: The 590 layer (depth to bedrock is 20 inches or less) is a required feature for non-CAFO spreading restriction maps, and the CAFO layer (depth to bedrock is 24 inches or less) is a required feature for CAFO spreading restriction maps. Any areas that have been identified as a CAFO R soil are prohibited from manure applications, unless the CAFO submits sufficient depth to bedrock verification.

Any field-specific karst elements, such as sinkholes, must be identified and mapped on the spreading restriction maps as well. County specific layers incorporated into SnapMaps are the result of the collaboration between SnapPlus/SnapMaps staff and local counties.

The Department solicits input from local and regional sources and utilizes aerial imagery to identify any apparent features. However, it is ultimately incumbent on the permittee to ensure that all known features are shown on these maps. If features emerge after the conditional NMP approval is issued, updated maps and other documentation verifying that the NMP is still in compliance are part of the annual NMP update or through a substantial revision to the nutrient management plan.

Comment: Can you share the Supreme Court case information where an insurance company refused to pay when a well was contaminated due to land manure application? It was believed that this case determined that the liability rests with the landowner, not the CAFO or CAFO’s manure applicator.

Response: Wilson Mut. Ins. Co. v. Falk, 2014 WI 136, ¶ 34, 360 Wis. 2d 67, 90, 857 N.W.2d 156, 166

Comment(s):

- **How will Ridge Breeze access fields 04-17-007, 04-15-005 and others since they appear landlock by other private landowners?**
- **Some fields are very difficult to access - the roads are windy, narrow and go up and down bluffs/valleys. Some field entrances and turns on town roads are very tight and may be very difficult to navigate with a semi-truck and big manure tanker. How are the DNR, County and Town (if applicable) ensuring access can be met? If access cannot be met without threat to environmental or traveling public safety, it is strongly encouraged to pull off those fields from the NMP.**
- **What happens with the little pieces of fields that are shown to receive manure? The farm is not going to pack up all their equipment from one little field to another, they will most likely run manure hoses, and that the manure hoses are not running over someone’s land without their permission. How is the farm accessing these little fields and not impacting the traveling public using the roads or causing an environmental protection issue?**

Response: The department does not have the authority to require a description of field specific strategies on mobility or accessibility of equipment. Instead, the department focuses on a field's proximity to environmentally sensitive features such as streams, concentrated flow channels, wetlands, wells, etc.

Comment: Will the DNR and applicable counties review the manure spreading logs to make sure that manure is not being overapplied?

Response: Manure spreading logs are included in the Ridge Breeze Dairy Nutrient Management Plan Update. The operation submits these documents each year by March 31st. The department is responsible to review these documents to determine nutrient management and permit compliance.

Comment: How many CAFOs are permitted and regulated by the DNR in Pierce, Pepin and St. Croix Counties? How much land base (acres and percent of total acres available) is taken up by CAFO uses (manure application). How many large farms are also using up large chunks of land for manure application (farms under the CAFO threshold but still quite large, over 300 cows?). How many more CAFOs can these three counties support in terms of available land, water quantity, and water quality? How much land would each county's conservation department like to have in "reserve" in the case of current manure land for application becoming unusable due to any number of factors (too high of phosphorus, landowner decides not to rent to CAFO again, etc.)? When are these counties "FULL/NO VACANCY" of available acres for manure application, now and in the future?

Response: Based on current numbers, there are 12 WPDES CAFO permit holders located in Pepin, Pierce, and St. Croix Counties. Fields used for manure and process wastewater land applications are not all located in counties they reside, nor are all CAFO fields within these counties only associated with these 12 permit holders. Interested parties will need to contact individual counties to obtain information on non-CAFOs and reserve acreage. No specific suggestions to the proposed draft WPDES CAFO permit were made in the comments above; therefore, no changes were made to the permit or nutrient management plan.

Comment: WPDES permit 1.1, "The permittee may not discharge pollutants to navigable waters under any circumstance or storm event from areas of the production area, including manure stacks on cropland, where manure or process wastewater is not properly stored or contained by a structure." Going off the list of headland stacking fields mentioned in the conditional approval, I have the following questions:

- 1) Field 04-02-085 is upstream of Cady Creek. Is there concern of Cady Creek becoming polluted?
- 2) Field 04-03-018 and 04-03-024 are not shown as headland stacking sites on the restriction maps. Can DNR check all restriction maps and headland stacking list of fields and make sure the correct fields are showing headland stacking.

Response: Headland stacking sites have the same pollutant discharge limitations as production area limitations. CAFOs who use stacking sites shall only stack on areas previously approved by the department. These sites are typically used to temporarily stack solid manure during times when field applications are not allowed (e.g., February and March). CAFOs shall take all necessary steps to meet location and operational requirements outlined by the permit. All department approved headland stacking sites for Ridge Breeze Dairy are listed in the Conditional Nutrient Management Plan Approval letter issued on May 24, 2024.

Comment: Jeff Jackson mentioned at his introduction for the July 11th public hearing that before the DNR makes a final determination, the DNR will look at the land base and make sure things are good to go. What is the process the DNR will perform to check each field and the land base?

Response: The department reevaluated the nutrient management plan and field restriction maps based on comments received during the 30-day comment period and public hearing. This included reexamining historical aerial imagery, well inventory data, LiDar maps, and conducting in-field investigations on specific fields. The department also required additional documentation to demonstrate Ridge Breeze Dairy's ability to apply manure and process wastewater to fields in their nutrient management plan not under common ownership with Ridge Breeze Dairy. As a result, some fields were removed from the plan. Needed corrections were made by Ridge Breeze Dairy and included in the updated nutrient management plan.

Comment: How are DNR and counties tracking fields being used by more than on farm? Is this allowed? Can DNR provide a list of the fields that are receiving manure from more than one farm?

Response: Fields in a CAFO nutrient management plan may receive nutrients from sources other than synthetic fertilizers, CAFO manure, or CAFO process wastewater. When a field receives outside nutrients from non-CAFO manure, those nutrients must be tracked and added to the nutrient management plan. Non-CAFO manure is planned for fields: 04-10-001; 04-10-003; 04-10-004; 04-10-005; 04-10-006; 04-10-014; and 04-10-027.

Comment:

- **Fields 04-02-083 should be removed from the Ridge Breeze Dairy NMP because the field surrounds an assisted living facility, Welcome Home Assisted Living in Elmwood, WI.**
- **We at the Village of Elmwood have received concerns regarding Ridge Breeze Dairy's plan for liquid manure land application on fields accessed via Project Drive and West Industrial Road. It appears that these roads, particularly near Steve's Scoring/Dollar General and the Welcome Home Assisted Living facility, are not constructed to support the heavy traffic of manure tankers.**
- **Field 04-02-024 should be removed from the Ridge Breeze Dairy NMP because the field is very close (~420 feet) to a nursing home/care center, Spring Valley Health Care Services in Spring Valley, WI. There are serious environmental justice issues with spreading raw waste directly adjacent to a facility that houses vulnerable adults and the drinking water well that serves the facility.**

Response: Ch. NR 243.14 Nutrient Management or NRCS 590 do not require additional manure spreading setbacks to assisted living or healthcare facilities, instead they are categorized as a dwelling and require spreading setbacks to structures like private or community wells.

Ridge Breeze Dairy has elected to voluntarily remove fields 04-02-083 and 04-02-084 from the nutrient management plan. The Ridge Breeze Dairy restriction map includes a private well setback at the Spring Valley Health Care Services facility location, just east of field 04-02-024. The department does not have authority to remove field 04-02-024 from the nutrient management plan, at this time.

Comment:

- **There are slugs of soil tests coming due in 2025 and 2026. Many of these fields are approaching 100 ppm or even 200 ppm phosphorus. How will the DNR and applicable County track these soil tests and take action if phosphorus levels are too high? What actions will be taken?**
- **Why are the DNR and applicable counties letting the soil phosphorus levels get so high, so quickly? See the record of soil test results.**

Response: NR 243.14 Nutrient Management, limits Phosphorus (P) applications when fields are over 50 ppm soil test P. It also requires a rotational P drawdown on fields with a soil test P over 100 ppm or higher. It outright prohibits P applications from manure/process wastewater on fields with a soil test P of 200ppm or higher.

Reported information is supplied to the department by Ridge Breeze Dairy through Snap Plus database reports included in the operation's Nutrient Management Plan Update. Fields with out-of-date soil samples are not eligible to receive manure or process wastewater applications.

Comment: How much soil loss is being reported in Pierce, St. Croix and Pepin Counties on these fields spread on by Ridge Breeze Dairy versus the tolerable soil loss? What is being done to fix the issues?

Response: All fields in CAFO nutrient management plans are required to meet the tolerable soil loss requirement for each specific field. If fields do not meet the tolerable soil loss requirement, they are prohibited from receiving any nutrients. Department staff conduct periodic cropland field inspections to determine if a field is eligible to receive manure.

In spring of 2024, department staff determined two fields in the Ridge Breeze Dairy Nutrient Management Plan were not meeting tolerable soil loss due to gully erosion. Those fields were deemed ineligible to receive manure until concentrated flow channels were vegetated. Ridge Breeze Dairy's applicable cooperative grower addressed the issues summer/fall of 2024.

To determine what information is being reported to counties, interested parties are encouraged to contact counties directly.

Comment: Request that the DNR carefully review and measure each field for manure spreading to make sure that Ridge Breeze is not just including the entire acreage of each field. It is requested that DNR perform quality control and check each field's eligible acres for land application of manure.

Response: The Snap Plus and Snap Maps programs automatically calculate spreadable acres based on field perimeter boundaries, as well as manure spreading setback to restricted features included on the field restriction maps. If additional restricted features are discovered and maps are updated, total spreadable acres will also change. Changes are reflected in nutrient management Snap Plus reports. These reports are submitted as part of an annual Nutrient Management Plan Update, or a five-year Nutrient Management Plan included in a WPDES CAFO permit (re)issuance application.

Comment: Winter restriction maps - it is stated that Ridge Breeze does not foresee needing to spread manure in the winter, but if there is an emergency, this question applies. How can the manure haulers access the field to the center where it is open for manure spreading in the winter, when the rest of the field perimeter is restricted? Who is enforcing the winter restriction maps?

Response: In an emergency, Ridge Breeze Dairy would first need to request department approval before emergency winter spreading occurs. Ridge Breeze Dairy will need to determine how they will reach approved areas within the field boundary. The WPDES CAFO permits require permittees conduct additional monitoring after emergency winter spreading occurs. Department staff generally conduct manure application inspections to ensure applications comply with permit conditions.

Comment: Field logs, photos, field verifications, etc. are missing from the NMP submittal. See page 13 of 28 of the NMP narrative.

Response: This section of the narrative outlines the procedures Ridge Breeze Dairy will take before manure is land applied to fields. Actual records would be provided to the department in the Ridge Breeze Dairy Nutrient Management Plan Update submitted March of each year. The Nutrient Management Plan Update reports what the operation did the prior year. The Nutrient Management Plan reviewed for this permit modification outlines what the operation plans to do in the future.

Comment: How are the DNR and applicable county conservation departments ensuring that there is no manure leaking from manure hoses.

Response: WPDES CAFO Permit Section 1.6.1 General Spreading Restrictions, include restrictions as to how manure is applied to fields. A manure hose break may be a compliance issue under this section. As a general practice, manure applicators have a flow meter and pressure gauge in the cab of the tractor during application. This equipment allows the manure applicator to shut down the pumping system if a drop in pressure occurs.

Comment: How is nitrate susceptibility considered and brought into the review of the fields for manure spreading? Many fields that Ridge Breeze lists as available for manure spreading have nitrate susceptibility concerns.

Response: WPDES CAFO permits require all applications of manure and other nutrient sources be consistent with UW crop recommendations (A2809), applicable sections of NRCS 590 and NR 243 land application requirements. The UW recommendations are written to avoid over-applications of nutrients (Nitrogen and Phosphorus) above crop demand. NRCS 590 limits fall nitrogen application rates on soils deemed highly permeable (P-soils). These soils tend to have higher percentages of sand and gravel. Fall application rates are limited to 90 units of nitrogen on annual crops or a limit of 120 units of nitrogen on perennial crops or fields with cover crops. Soils categorized as P-soils can be found periodically throughout Pierce County, specifically within western portions of the county.

Comment: There have been reports of milk dumping from farmers, either into manure pits or directly onto fields. How does milk dumping affect an NMP, fluid quantity calculations for waste storage facilities and nutrient needs for a field?

Response: Locally, milk dumping has occurred when a tanker of milk is rejected by the creamery or processor. In cases when milk needs to be disposed of it is common for CAFOs to put the material in their waste storage facility.

Once the material is comingled with manure, the material is treated as manure. This includes sampling the material and land applying in accordance with their nutrient management plan. In many cases depositing two 5,000-gallon milk tankers into a CAFOs waste storage facility is not significant enough to impact total waste generation or total days of waste storage. Should a CAFO develop an agreement with another party (e.g., milk plant or creamery) to periodically accept rejected milk, then the estimated annual volume would be accounted for in the general waste calculations.

Comment: Why are Hupperts listed as a source of manure? What is going on with them, why is Ridge Breeze taking their manure? Why are Huppert fields included in the NMP if they themselves are using it for manure application (as shown on Pierce County GIS). Are these fields receiving double the manure? Are Hupperts raising the cattle and young stock? What is going on? Huppert Farms forage trucks have been seen trucking forage to Ridge Breeze Dairy. What is the involvement of the Huppert Farm with Ridge Breeze Dairy?

Response: The department does not regulate who the CAFO develops business partnerships with. A CAFO nutrient management plan is required to account for all nutrient sources applied to fields within the plan. This includes non-CAFO manure that is applied.

Ridge Breeze Dairy has fields listed under Grower 10 that will receive non-CAFO manure from the Huppert Farm. Nutrients from this manure shall be accounted for in the Ridge Breeze Dairy Nutrient Management Plan to ensure that overapplications do not occur.

Comment: Many farms in the valleys had a well on the hill to try to catch wind to pump well water. One such windmill still existing near W9295 County Road SS near Pepin/Plum City/Lund. It is requested that the DNR or the applicable county go and check for these windmills, then check for a well and add that restriction of a well to the restriction maps for manure spreading.

Response: It is the responsibility of the CAFO to provide the department with a field restriction map that accounts for all known restricted features. When the department has reason to believe restricted features are not mapped, the department may require in-field verification. Based on the address provided, proximity to the nearest Ridge Breeze Dairy field is greater than the would be required 100 foot spreading setback to a well.

Comment: Fetzer Farm uses cover crops, but they grow their own forages and spread manure on the same acreage. We have heard that Ridge Breeze Dairy buys their forages off the truck and do not run their own land for crops, so they aren't in charge of whether or not fields have cover crops.

Response: The use of cover crops has become a commonly used cropping practice in Pierce County. Decisions to plant cover crops is a business and cropping decision made by individual cooperative growers and Ridge Breeze Dairy.

Comment:

- **What does it mean when “Additional phosphorus application restrictions apply to fields that are high in soil test phosphorus (>100 ppm)?**
- **Should fields with phosphorus levels greater than 100 ppm have restrictions placed on them in the NMP and restriction maps?**

Response: S. NR 243.14(5), Wis. Admin. Code requires the permittee to minimize the potential delivery of phosphorus to waters of the state. This means once soil test phosphorus is above 100 ppm, the rotation will need to show an estimated phosphorus drawdown over that rotation. This means allowable phosphorus applications rates are limited. Soil test phosphorus levels over 100 ppm do not require additional manure spreading setbacks to surface water features such as navigable waters or direct conduits to navigable waters.

Comment: Request that the DNR Pierce, Pepin, and St. Croix Counties all take this high level of phosphorus seriously. Request implementation additional restrictions and even consider taking fields with phosphorus levels at 100 ppm or greater off of the eligible fields list. Please refuse to allow these fields to receive manure until phosphorus levels are testing back at optimum levels?

Response: S. 243.14(5), Wis. Admin. Code states “For fields with soil test phosphorus levels between 100 ppm and 200 ppm, the permittee shall calculate the planned average phosphorus index value for the crop rotation or for the next 4-year period, whichever time period is less. If the calculated average phosphorus index value is greater than

6, manure and process wastewater applications to that field are prohibited. If the calculated phosphorus index value is 6 or less, applications are allowed provided that the cumulative application of phosphorus from manure and process wastewater does not exceed 50% of the cumulative annual crop phosphorus removal over the rotation or the next 4-year period, whichever is less.”

The department has the authority to require CAFOs to maintain a nutrient management plan which meets WPDES CAFO permit and NRCS 590 Standard requires. The Ridge Breeze Dairy plan has been showed to meet these requirements.

Comment: There are 30 fields that need soil tests right away in 2025 before manure applications. How is the DNR ensuring that they receive accurate information in a timely manner about these soil test?

Response: For fields to be eligible to received CAFO manure, soil samples must be taken every four years. CAFOs provide the department with soil sample information by including results in their Nutrient Management Plan Update, submitted annually.

Comment:

- **Concerns about soil test results showing a field is over 200 ppm then suddenly drop down under 100 ppm. How is this scientifically possible?**
- **Can DNR and counties please request the raw soil test data and test results from the lab? This information should be available from the Snap Plus dashboard, unless all data was hand entered. Request that all original soil test data for all fields be obtained and studied to try to find out why the soil test P levels very so much.**

Response: When Ridge Breeze Dairy purchased the operation and took on nutrient management responsibilities, fields were renamed, and some boundaries were changed. Soil sampling activities were taken while under the previous owner. The department believes soil samples were taken in accordance with UW publication A2100. Fields in question are due for updated soil sampling in 2025.

Comment:

- **What are DNR, Pierce County, Pepin County, and St. Croix County doing to protect soil and water health when phosphorus levels are testing above 100 ppm.**
- **Concern about nutrient levels (especially phosphorus) on these fields they want to overspread. If the DNR and Pierce County approve this over application of manure, will both agencies also require more frequent soil tests (yearly or bi-yearly), a robust response if phosphorus levels get too high (pull the fields from the NMP, reduce the available acres for land spreading, make the ratio of acres to animal units worse)? It is requested that this all be done from both a DNR and Pierce County perspective. Is over applying manure just created a downhill spiral of quickly increasing phosphorus levels and the end result of having to pull fields off the NMP as fields eligible for land application of manure?**

Response: The department reviews Nutrient Management Plans to ensure phosphorus drawdown is occurring when phosphorus levels test above 100 ppm. If phosphorus levels test above 200 ppm, applications of phosphorus from manure and process wastewater are prohibited unless the permittee receives department approval. The department requires CAFOs to comply with NRCS 590 Standard. This includes taking soil samples at a minimum frequency of one sample per five acres. The department does not require more frequent sampling if a field is over 100 ppm. Interested parties will need to contact county staff to determine steps they take to monitor phosphorus levels.

Comment(s):

- **How were soil tests taken on properties where the landowner/land has since been pulled from the NMP? Did RBD falsify the soil test documents? Did they trespass on the land without permissions? Considering some landowners have never even heard of Ridge Breeze and asked to have their names taken off the NMP, it is suspected that Ridge Breeze has falsified at least some of the information in soil test documents and NMP.**
- **There is a theory that the farm is taking more samples than required to be able to hand-pick the soil test values it wants to keep P composite values low. Can DNR and associated counties please obtain all raw soil test data and results for phosphorus.**

Response: The WPDES CAFO Permit and NRCS 590 Standard requires soil samples be taken at a minimum frequency of one sample per five acres. NRCS 590 requires that soil sampling shall be consistent with UWEX Pub. A2809, “Nutrient application guidelines for field, vegetable, and fruit crops in Wisconsin”, or A2100, “Sampling Soils for Testing.” Results are then included in the nutrient management plan. Ridge Breeze Dairy partners with many established crop farmers in the area who have rental agreements to access and crop these acres. In many cases soil sampling is something already being done by the crop farmer. The department does not dictate who takes the soil samples or how the associated land is accessed. The department however does require soil samples be current and meet the standard frequency of at least one per five acres.

Comment: Under “Nutrient Management” it states “landspreading rates must be adjusted based on sample analysis.” How is RBD sampling manure so that they check land spreading rates? Where are the records on that sampling?

Response: Per s. NR 243.19(1)(c), permittees are required to sample liquid manure a minimum of twice per month, per source that manure and process wastewater is land applied from. Results of this testing is submitted annually in the Nutrient Management Plan Update submitted to the department by March 31st of each year.

Comment: Request DNR investigate and include an animal cap based on their current size.

Response: The permit contains conditions to assure a proper land base for manure/process wastewater applications and assure proper liquid storage capacity. An animal unit cap would be duplicative of these existing requirements and is not necessary at this time.

Comment: 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. Note, daily logs for manure spreading are requested, because the logs included in the NMP for this submittal are NOT daily logs. Ridge Breeze has not appeared to comply with this requirement at their current size, how can DNR and county ensure they comply in the future.

Response: As part of the nutrient management plan, Ridge Breeze Dairy provided Snap Plus report CNM3: DNR CAFO Daily Log Report. This report includes manure spreading information that occurred in crop year 2024. The department does not require handwritten logs be submitted.

Comment: Under “Nutrient Management”: 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). Ridge Breeze and their manure hauler do allow ponding of their manure during application. See photos from an April 14, 2024, manure spreading event near Maiden Rock.

Response: Existing regulation and policy would allow some time for manure to absorb into the ground after a manure application, unless it is within a Surface Water Quality Management Area (SWQMA). A SWQMA would require manure to be incorporated into the soil if within 100 feet from navigable waters or a direct conduit to navigable waters.

Comment: Ridge Breeze is planning to spread manure on fields that are shown in restriction maps of having bedrock less than 5 feet away. This is hugely concerning. How is DNR dealing with shallow bedrock? Request that the DNR deny Ridge Breeze’s ability to land apply any manure in areas of bedrock less than 5 feet down from the surface. Request records of manure applicator testing depth to bedrock for all of those fields shown in the NMP restriction maps.

Response: During non-winter conditions, manure is allowed to be land applied to areas where depth to bedrock is greater than 24 inches. During winter conditions, manure may be allowed under certain conditions where depth to bedrock is greater than 5 feet. Depth to bedrock investigation would be required prior to manure application if manure applications are planned during winter conditions and soils are mapped as depth to bedrock less than 5 feet, or manure application is planned

during nonwinter conditions and soils are mapped as depth to bedrock less than 24 inches. Investigation records shall be maintained by the permittee and included in future nutrient management plan submittals to the department.

Comment: Fields 04-02-099, 04-02-100, and 04-02-101 appear to have restricted features not included in the field restriction maps. Please advise.

Response: On November 21, 2024, department staff conducted field investigations to assess the presents or absence of restricted features not included in the field restriction maps for fields 04-02-099, 04-02-100, and 04-02-101. As a result, the following features were added to the field restriction maps: several conduits to groundwater, small segments of concentrated flow channels, and Surface Water Quality Management Area designation to the adjacent intermittent streams. Tree rows between cropland areas had been removed. Restricted features added to the field maps included manure spreading setbacks.

Comment: Pierce and St. Croix Counties continue to be some of the fastest growing counties in the state. We will continue to see the number of available acres reduced and turned into neighborhoods. What is the plan for Ridge Breeze to deal with reductions of spreadable acres over time? Do they plan to build a biodigester or do they plan to truck the manure to neighboring, less developed counties?

Response: Ridge Breeze Dairy is responsible to maintain adequate acres to spread manure and process wastewater produced at the site. If Ridge Breeze loses acres due to land use changes, change in ownership, etc., they are responsible to find additional land. This could mean securing acres further away from the farm site. The department monitors acres through permit reissuance review roughly every five years, or through the review of annual nutrient management plan updates submitted to the department by March 31st of each year. To-date, Ridge Breeze Dairy has not submitted engineering plans to the department for a proposed biodigester. If the dairy decides to propose a biodigester in the future, this will require the WPDES CAFO permit to be modified or reissued.

Comment: What is the manure spreading restriction for cemeteries?

Response: Ch. NR 243 and NRCS Standard 590 do not identify cemeteries as a feature that requires a manure spreading setback.

Comment: It is requested that Pierce and St. Croix Counties, along with the DNR, check all spreadable fields near the Mississippi River in those counties to make sure they are not within the scenic easement for the river.

Response: Ch. NR 243 and NRCS Standard 590 do not identify scenic easement areas as features that requires a manure spreading setback.

Comment: 89.7 acres in the plan will be taken up by their own site plan.

Response: Farm site expansion plans show fields 04-01-001, 04-01-002, and 04-01-003 are proposed to be converted to portions of the production area. If converted, the fields shall be maintained in the nutrient management plan through the DNR annual reporting period. After the applicable reporting period has closed, converted fields will need to be removed from the plan.

Comment: There are open water features near or adjacent to fields 04-10-009, 04-02-042, 04-02-045, and others. These features should be included on field restriction maps.

Response: Reviewed open water features are constructed features that are not considered navigable lakes, ponds, or flowages. These features do not fit the definition of a Surface Water Quality Management Area as defined in Ch. NR 243, Wis. Adm. Code.

Comment: Field 04-03-027 has sinkholes and a conservation dam along its western boundary. Should this area have further restrictions due to the sensitive features?

Response: The conservation dam has a direct conduit to navigable water feature associated with it. This flow channel requires manure application setbacks consistent with s. NR 243.14(4) – SWQMA Application Restrictions. As part of in-field verifications conducted by department staff on field 04-06-004 (south of field 04-03-027), Ridge Breeze Dairy was required to include the CTH G road ditch as a direct conduit to navigable waters (see field 04-03-004 restriction map). This feature is shown to convey water to the flow channel associated with the conservation dam. As stated above, direct conduits require a manure spreading setback. Sinkholes are considered conduits to groundwater and requires a 100-foot manure spreading setback. The field restriction map and applicable setbacks are consistent with nutrient management requirements outlined in Ch. NR 243, Wis. Adm. Code.

Comment: Field 04-10-002 has multiple dwellings not included on the field restriction map. This field should be removed from the nutrient management plan.

Response: This field has been removed from the Ridge Breeze Dairy nutrient management plan.

Comment: There is an old farmstead south of field 04-02-099. Is there an old well here that should be added to the field restriction map.

Response: The property located at W2197 710th Avenue, Spring Valley Wisconsin is located on the south side of 710th Avenue, with the field in question located north of 710th Avenue. A well head for this dwelling would be farther away than the 100-foot manure application setback on field 04-02-099.

Comment: Only 6 of 266 fields are free of spreading restrictions, which means we rely on manure applicators to voluntarily avoid restrictions zones.

Response: Regardless of if manure and process wastewater is applied by a hired applicator or the permittee, applications are required to conform with restrictions found in the permit and Ch. NR 243, Wis. Admin. Code. Should the department determine manure was applied in a manner that did not comply with the permit, Ridge Breeze Dairy would be in violation of their WPDES CAFO permit. Department staff routinely conduct manure application inspections with CAFOs in the area. This includes both announced and unannounced field inspections.

Comment: Are there enough days to accomplish the spreading considering the already small windows of opportunity in spring and fall.

Response: The Ridge Breeze Dairy Nutrient Management Plan include spreading manure on some alfalfa and hay fields during the summer months. This allows the operation a greater window of opportunity to spread manure beyond the spring and fall time period.

Comment(s):

- I have personally observed issues of concern regarding soil erosion and loss of manure nutrients on multiple parcels of land that Ridge Breeze applies manure. These fields are HEL, some with large acreages with no or inadequate waterways, thereby gully and rill erosion is out of control. As a member of LCC for decades, Ridge Breeze's farming practices is very concerning regarding loss of soil and manure nutrients which many have worked very hard to prevent.
- Being a reservoir, Nugget Lake is prone to problems with sediment. Since its beginning in 1972, the first dredge project of the lake was completed in early 2007. In a comparatively shorter time period, the lake has filled again. A dredge project of the lake is currently in its final permitting and planning stage. Pierce County has budgeted \$2.38 million for this project. It is possible that more aggressive farming practices and less CRP could be leading to sediment getting to the lake at a faster rate. Will expanding the farm to the proposed extent this close the lake speed up the sediment rate into the lake?

Response: Cropland acres included in a CAFO nutrient management plan add additional layers of regulation and oversight. This includes limiting nutrient application rates, manure spreading setbacks to designated sensitive features, meeting tolerable soil loss standards, etc. Fields that exceed tolerable soil loss or display signs of excessive

rill or gully erosion may be flagged as non-compliant. This allows the department to prohibit nutrient applications to the field until corrections are made and the field comes back into compliance with permit requirements.

Comment(s):

- **The permit application was inaccurate pertaining to land contracts for spreading manure. This questions the integrity of the information provided.**
- **Hearing the first speaker's comments about several farms being listed to receive the manure generated by their operation but having no knowledge of being on the list. Even if this is incompetence and not outright fraud, it does not instill much confidence in Ridge Breeze being able to safely operate a farm with 6,000 cows. (Note: the department received 19 similar comments but are combining into one).**
- **Spreading agreements are verbal only, this is no public record to follow the manure.**
- **DNR rejected a similar application for a hog factory in Burnett County due to failure to submit written agreements for manure spreading.**
- **In their application to DNR, Ridge Breeze falsely listed at least 7 landowners and their acreage who have no spreading agreement, and in some cases haven't even heard of Ridge Breeze.**
- **DNR should require that all of Ridge Breeze Dairy's land spreading agreements are verified written agreements just as Pierce County will in their updated Waste Storage Ordinance.**
- **It has been brought to my attention that my land is listed on the Nutrient Management Plan for Ridge Breeze Dairy in the Town of Salem. My land is in the Town of Cady and contains about 80 spreadable acres on Ridge Breeze's NMP. I do not agree to have manure from Ridge Breeze spread on my land and never have had contact with them before, so the land should be removed.**
- **Given the fact that Ridge Breeze Dairy seems to have misrepresented their manure management plan in stating that they have adequate, suitable acres to meet the state requirements when they in fact do not. I am surprised and dismayed that the DNR has given any approval and that we are even having this hearing.**
- **I believe there has to be signed contracts between landowners and Ridge Breeze for land allocation for spreading. There has to be SOME accountability! How much of the land (from a particular landowner) is spreadable versus being in a woods or unspreadable hillside or ravine.**
- **Ridge Breeze Dairy owns less than 100 acres and is proposing 6500 increased cow operation. The number of spreadable acres is far below the recommended need for the number of cows. RBD reported that landowners agreed to the manure spreading plan and this was reported at the meeting as a false claim.**
- **GROWW asks that the DNR take immediate action to verify Ridge Breeze Dairy has access and permission to spread up to 80.8 million gallons of liquid manure and process wastewater.**
- **We ask that the DNR follow up with each individual landowner to verify that they are aware and willing to receive Ridge Breeze's manure.**
- **Will the DNR require Ridge Breeze to submit information that verifies that Ridge Breeze has permission to apply manure on land not owned by Ridge Breeze?**
- **If DNR does not require Ridge Breeze to supply additional information that verifies permission is granted to apply manure on land not owned by Ridge Breeze, will an explanation for this decision be provided to the public?**
- **In the case of Cumberland LLC. DNR required the proposed farm provide land spreading permissions from landowners. The farm wasn't able to do so therefore DNR rejected the application. DNR should require Ridge Breeze Dairy provide land spreading permissions from landowners.**
- **It is requested that the DNR and Pierce County require signed, notarized manure application contracts with Ridge Breeze Dairy, their manure hauler, the land renter AND the land owner. Ridge Breeze Dairy has shown that they cannot be trusted. They already falsified the NMP and falsely claimed land that they did not have a contract to apply manure on. They cannot be trusted to provide truthful land agreements. There is worry that Ridge Breeze Dairy will forge signatures on the land agreements; hence, notarized agreements, where identification is verified by a notary, is a critical part of the land agreement for manure application.**
- **Will the DNR require Ridge Breeze to submit information that verifies that Ridge Breeze has permission to apply manure on land not owned by Ridge Breeze?**
- **If DNR requires additional information that verifies that permission is granted for Ridge Breeze to apply manure, will this verification information be made available to the public?**

- It is requested that the DNR and applicable county check the landowner through the county records and not rely on Ridge Breeze's list of landowners, which have turned out to be false. There have been public hearings for NMP substantial revisions (fields added) and the landowners had no idea that their land was being discussed. This is wrong and the practice must be stopped, the landowners can easily be determined and should be made aware immediately about anything to do with their land.
- What is the position of the DNR with respect to the large amount of acreage not owned by Ridge Breeze that is represented as being available for manure spreading based on a verbal relationship?
- It is suggested that the DNR and Pierce, St. Croix and Pepin Counties all reach out to the landowners of fields planned to receive manure to ensure there is an official agreement between the landowner and Ridge Breeze Dairy. Public letters that went out with GROWW's return address may not have been opened due to recipients thinking the letter was a scam or a request for money (fundraising). An official DNR or County letter would be much more effective in getting a clear, true picture of how many landowners are truly aware of the manure spreading and how many agree or disagree, the latter allowing those acres to be removed from the NMP.
- We ask that the DNR follow up with each individual landowner to verify that they are aware and willing to receive Ridge Breeze's manure.
- If DNR requires additional information that verifies that permission is granted for Ridge Breeze to apply manure, will this verification information be made available to the public?

Response: As a result of the department's public hearing for Ridge Breeze Dairy permit modification held on July 11, 2024, several landowners requested their land be removed from the dairy's nutrient management plan. The department required Ridge Breeze Dairy to provide additional information for fields not owned by the operation, showing permission to land apply manure and process wastewater. As a result, Ridge Breeze Dairy provided affidavits signed by their partnering growers. These affidavits outlined the field IDs and owners of each field. For each signed affidavit, partnering growers declared they acquired permissions from each landowner they listed on the form. They also declared landowners understand that manure and process wastewater may be applied to their fields in the future by Ridge Breeze Dairy.

Based on the information provided, the department believes Ridge Breeze Dairy has provided adequate documentation displaying permissions to spread manure on fields in their nutrient management plan. Interested parties may contact the department to obtain copies of the signed land affidavits.

Comment: Who monitors the landowners and the land agreements? Who is checking on this?

Response: The department required Ridge Breeze Dairy provide additional information for fields not owned by Ridge Breeze Dairy. As a result, Ridge Breeze Dairy provided affidavits signed by their partnering growers. These affidavits outlined the field IDs and owners of each field. For each signed affidavit, partnering growers declared they acquired permissions from each landowner they listed on the form. Ridge Breeze Dairy will need to continue reporting fields included in the nutrient management plan as part of their Nutrient Management Plan Update submitted annually. The department has not yet determined if Ridge Breeze Dairy will need to continue providing proof of land spreading permissions beyond this permit action.

Comment(s):

- Given the difficulty that RBD has had in obtaining spreadable acres, how do you propose they rid themselves of the nutrient load that 9,010 AUs will continue to produce?
- Concerned about the less than desired amount of land they intend to spread the manure onto; seems like too much manure for the ground to handle and contaminates will leach into the ground water.
- In the application, Ridge Breeze has only secured 5,637 of compliant acres. That leaves the proposed acre-to-animal unit ratio as less than 1:1. In the conditional approval, the DNR itself correctly points out that there is significantly less land than typically seen in their conditional approval.
- Manure production each year is guaranteed, having land to spread the manure is not guaranteed due to a variety of factors (landowners ending contracts, soil phosphorus levels too high, landowner death and land sold, etc.). How can the DNR and Ridge Breeze guarantee that there will be enough land to safely spread manure on each year, without over applying or harming the environment?
- The number of spreadable acres contracted is far below the recommended level (US recommends 3-4 acres per cow in order to keep P levels sustainable, currently Ridge Breeze has less than 1 acre per cow)
- How many acres are actually needed for the amount of manure to be spread safely?

- **The farm has only secured 5,637 acres of compliant land for spreading; DNR itself correctly points out that is significantly less land than typically seen.**
- **The farm has not proven to model their intended CAFO planned permit with their existing operations. Examples: manure runoff and miscalculated land rental agreements.**
- **Will DNR continue to use the 1:1 ratio of animal units to available acres guidelines in this application by Ridge Breeze? If not, DNR should explain to the public the reason for the different ratio.**
- **Ridge Breeze, if their entire farm site should be pulled off due to development (which Falon French confirmed via email to Danny Akenson 7/8/24 at 10:02am), then they will own ZERO acres for land spreading, all acres for land spreading will be rented. Manure is guaranteed to be produced; the land spreading acres are not guaranteed from year to year. The DNR and County have no assurance this land will be available in the future, due to many factors. It is requested that the DNR and Pierce County seriously look at this huge concern and develop a plan to ensure that there is enough land available for manure land application before approving the WPDES permit expansion and the NMP substantial revision.**

Response: Ridge Breeze Dairy has provided the department with a five-year nutrient management plan for this permit action. Permittees must develop a nutrient management plan that complies with ch. NR 243 and the WPDES CAFO permit. The nutrient management plan outlines how, when, where, and at what application rate manure and process wastewater will be applied to fields over a five-year permit term. The WPDES CAFO permit requires land application practices to not exceed crop nutrient budgets outlined in NRCS Standard 590, UW A2809, and ch. NR 243.14.

The WPDES CAFO permit also requires that land application practices be based on the nutrient content analyses of the material being applied, soil test results, as well as any other nutrients applied to fields in the plan. Furthermore, WPDES CAFO permits require that farms have adequate land base to apply manure in accordance with the applicable requirements. While the department encourages farms to achieve a minimum goal of one acre per animal unit, this is not a permit requirement. Department nutrient management reviewers have determined Ridge Breeze Dairy has adequate land base included in the plan. If acres are removed from the plan, it is Ridge Breeze Dairy's responsibility to find replacement acres and maintain an adequate land base.

Comment(s):

- **Ridge Breeze has listed 89.7 acres in their site plan; over 1,100 acres are not compliant with soil testing requirements in the original 7,363-acre plan that they listed. They have only secured 5,637 acres that are considered compliant acres.**
- **DNR is tasked to determine if a CAFO has met the requirements of a permit. We believe Ridge Breeze has not met these requirements as displayed with having more than 1,000 acres deemed noncompliance for manure spreading activities.**
- **Of the original 7,363 spreadable acres they listed, over 1,100 acres are not compliant with soil testing requirements.**
- **Many fields are using default soil sample results of 101 ppm. Can DNR and associated counties please obtain the remaining soil test data ASAP? Raw data from soil testing should be reviewed and carefully examined and studied.**

Response: Since the July 2024 Public hearing, Ridge Breeze Dairy has updated many fields that now have compliant soil sample results. As of January 30, 2025, the dairy has updated most acres with out-of-date soil sample results and now has 7,093.5 compliant acres. These compliant acres include 131 acres added through a Nutrient Management Plan Substantial Revision approved on October 15, 2024. Updated information is reflected in updated Snap Plus reports Ridge Breeze Dairy has provided the department.

Comment:

- **What will the manure application rate be per acre?**
- **In the NMP approval, DNR states some of the rates for liquid manure are higher than typically seen. Some fields would see 25,000 gallons of manure per acre. If the farm has enough land then why are they planning to over apply manure. This activity puts our streams at risk of contamination.**
- **Why is Ridge Breeze asking to over apply on fields, and why did they include information about a proprietary piece of equipment to do so? I was told by the DNR multiple times that Ridge Breeze would NOT get their expansion permit approved unless they had enough fields for land spreading. Having Ridge Breeze ask to over apply shows that they do NOT have enough fields for manure**

<https://permits.dnr.wi.gov/water/SitePages/Permit%20Search.aspx#Default=%7B%22k%22%3A%22%22%2C%22r%22%3A%5B%7B%22n%22%3A%22RefinableString12%22%2C%22t%22%3A%5B%22%5C%22%2C%22%82%2C%22%824c69766573746f636b204f7065726174696f6e73%5C%22%22%5D%2C%22o%22%3A%22and%22%2C%22k%22%3Afalse%2C%22m%22%3Anull%7D%5D%7D>

Comment: How can Ridge Breeze or the DNR assure that there will be sufficient acres during the growing season and during the times of the year when the ground is frozen to spread manure?

Response: Department Nutrient management and engineer review staff that review and approve associated application documents have determined the application meets CAFO requirements. WPDES CAFO permits require permittees to have a minimum of 180-days of waste storage. This is meant to prevent liquid manure from being applied on frozen or snow-covered ground. Based on the Ridge Breeze Dairy application, the operation is estimated to have 244 days of waste storage. Department nutrient management reviewers have determined that the land base included in Ridge Breeze's approved nutrient management plan is sufficient to appropriately allocate the manure and process wastewater that will be generated by Ridge Breeze Dairy.

Comment:

- I am against the Ridge Breeze expansion. This spring the farm trucked liquid manure up to Emerald Sky Dairy and dumped it in their manure lagoon. That is a 60-mile round trip and tells me they don't have enough acres as it is. How do they keep track of that manure and who is responsible?
- **Comment:** Does Ridge Breeze anticipate hauling manure to another CAFO in 2024-2028? Where is this other CAFO that has manure hauled to it in 2022 and 2023? How are that CAFO's NMP and manure storage facilities impacted by the added manure?

Response: In April 2023, Ridge Breeze Dairy transferred approximately 1,008,800 gallons of manure to Emerald Sky Dairy's manure storage. The WPDES CAFO permit does allow for manure transfer between WPDES permit holders. Responsibility of the transferred manure goes to the permittee that is storing the material and they must remain in compliance with all aspects of the permit.

No manure is scheduled to be transferred to another CAFO in crop year 2024-2028.

Groundwater Focused Comments:

Comment(s):

- Who will ensure that the water is perpetually protected from any potential contamination from nitrates and other contamination?
- I am concerned about the devastating effects on nitrate poisoning in ground and surface waters that can reasonably be expected as a result of the farm expansion.
- Ridge Breeze has no plan to manage the phosphate load it will create for the local aquifer and Lake Pepin.
- My well tests at 9.3. What happens when my well becomes so contaminated that I can't drink from it? Who is responsible for putting in a system for me to have clean water?
- What will the impact be on our water supply from long-term application of nutrient-rich effluent from this dairy?
- Allowing a CAFO of this size will devastate the aquifer for the well on my farm, along with poisoning it with nitrates contamination.
- Is there any water quality data to show there is no effect from a less than 1:1 ratio of acres to animal units?
- Is there any data in a karst area for this type of use vs nitrate levels from water soluble nitrogen-laden manure?
- DNR should include an annual well monitoring requirement of neighboring wells within a determined radius of the farm. Permit renewal should be contingent upon maintenance of safe levels of groundwater. If damage occurs traceable to the farm, give options to repair or forgo operating permit. This was required by the sand mine that operated near Bay City.
- Concerned about the impact this expansion will have on the groundwater. Once contaminated, its detrimental to the entire population.

- Current regulations are inadequate to prevent the contamination of our water supply by large dairy farms.
- The existing large dairy farm has already caused a significant increase in nitrate levels in our neighbor's water. If this expansion is approved, I am concerned that the nitrate levels will become too high for our water to be safely drinkable.
- What happens when wells start getting high levels of nitrates? Who is responsible for repair, treatment, or replacement?
- I fear that a manure spill or E. Coli outbreak is likely, and it would negatively impact the ground water the Village of Maiden Rock provides to my home.
- One major concern is the rising nitrate contamination in much of the state. It is easy to blame septic systems and other sources, but a major source is fertilizers, including manure.
- This CAFO is in an area of Karst formations. That increases the concerns of groundwater contamination.
- Another aspect of this area are the many tunnels/caves crated from the Sand Mining done in the area. Seems like an avenue for a Manure Spill to go through these tunnels directly to the Rush River or Lake Pepin.
- What is being done by the CAFO/DNR to lower nitrate counts in the water table as my nitrate levels are already extremely high (was close to 20 when tested in 2029).
- How would the abandoned 2" well at the proposed feed pad be sealed to avoid possible aquifer contamination?
- I live near the Mississippi River in the town of Trenton, Pierce County. I do not add fertilizer to my soil, but I have excess nitrates (17) in my well water.
- Neighbors already have high nitrates in they water based on the existing dairy.
- The farm next-door is already so polluted they can't drink their own water.
- All the rules are only for the benefit of the CAFO, therefore, they must have monitoring wells and must be held under full scrutiny for their spreading.
- With a community volunteer group this Spring, I helped test private well water for nitrates. Nitrate levels were low: 2 to 4.0 average for the majority of Maiden Rock/Pierce County private wells we tested...until the farms surrounding Ridge Breeze brought their water to be tested. They came in at 12 to 14ppm, much greater than the accepted 10.0ppm. They were advised to seek state testing as well.
- I feel this permit renewal should REQUIRE monitoring wells around spreading fields, maximize crop rotation and cover crop usage, and limit animal count to their current size. The karst landscape does not have the capacity of such massive volumes of liquid manure proposed.
- Karst terrain here in Pierce County do not have the NR 151 protections that eastern Wisconsin karst terrain has and liquid manure systems DO NOT work well together, especially at these volumes, here in Pierce County where no special karst protection exists.
- Maiden Rock Township's Board of Supervisors advises the DNR that our Township residents have historically placed a high value on protecting our groundwater.
- I am very concerned about our water quality that will affect our health, the health of our public waters, the health of our soil, and our rural citizens. Rural communities have enough challenges and should be positioned to increase young populations, but I fear that no one will want to raise a family in an area with poisoned water and soil.
- I grew up in the valley not more than 3 miles from that farm and know what a precious resource we have in Clean Water. I currently live in Dunn County where large potato farms and other corporate dairies have raised nitrites in our water past the safe point and would hate to see it happen back home in Pierce County.
- Pierce County has just begun to survey and record the many sinkholes that exist here due to the sponge and Karst geology that underlays our landscape. It has been testified that there is sinkhole within 1,000 feet of existing dairy. There are better places to locate such a dairy, with better soils, topography, and subsurface geology. There are better operators who are more truthful and adhere to state regulations.
- I am very concerned about the unique geological structure of our area. We have a significant amount of bedrock in our county, and it is, in some locations, surprisingly near our topsoil. In addition to the location of bedrock, we are also one of the areas in Wisconsin with large numbers of karst formations. How does Ridge Breeze plan to deal with the increased risk of manure getting into the drinking water, municipal wells, rivers, streams, and eventually the Mississippi?

- **The amount of manure generated is not able to be safely handled in the driftless area full of HEL (Highly Erodible Lands) and Karst topography.**
- **Western Wisconsin does not have the topography to support these CAFO operations. The Driftless Area is aptly named as we have hills and valleys, and the farm fields we do have are usually designated as HEL (Highly Erodible Land) by the USDA FSA/NRCS. For anyone who has drilled a well the well diggers usually find a number of Karst topography with soluble rock such as limestone, fissures, caves, springs and other assorted geology features leading right to our groundwater.**

Response: NR 243.15(7) grants the department authority to require groundwater monitoring at CAFOs. “The department may require the installation of groundwater monitoring wells in the vicinity of manure storage facilities, runoff control systems, permanent spray irrigation systems and other treatment systems where the department determines monitoring is necessary to evaluate impacts to groundwater and geologic or construction conditions warrant monitoring.” The geology of this area as described below and the considerable depth to groundwater make this area one that is less susceptible to groundwater contamination. In other words, geologic conditions do not warrant groundwater monitoring.

The geology at the Ridge Breeze Dairy production area is typical of this part of the Town of Salem as well as much of eastern Pierce County. Broad ridges of Prairie du Chien group dolomite are incised by streams to form narrow valleys. In some locations such as the Rush River valley, erosion has exposed Cambrian-aged sandstones of the Trempealeau and Tunnel City groups. Overburden on the ridge tops is relatively thin and composed of glacial till and loess, while in the larger river valleys such as the Rush River valley, depth to bedrock is mapped as greater than 100 feet of alluvial deposits. Depth to groundwater on the ridge tops is considerable, and ranges from 206-265 feet, based on well construction reports (WCRs) from the Ridge Breeze production area and nearby properties. WCRs also indicate 10-68 feet of surficial silt or clay overlying dolomite bedrock.

Comment: How would the abandoned 2” well at the proposed feed pad be sealed to avoid possible aquifer contamination?

Response: Unused wells are required to be properly filled and sealed by a licensed well driller or pump installer using approved materials and methods as described in s. NR 812.26 Wis. Adm. Code. Approved materials for wells less than 3 inches in diameter include neat cement grout or bentonite pellets.

Comment(s):

- **Concerns with how much water they will be using and what will happen if our wells go dry as a local resident.**
- **More water will be used compared to their current size. There are a lot of small streams that run through this area, and I fear that they will dry up with the use of these high-pressure wells that they will install.**
- **If your well goes dry, how do we provide water to our horses, cattle, and dogs?**
- **Does the aquifer support this long-term high-volume use?**
- **How are existing wells in the neighborhood protected from drying up?**
- **How will the DNR fully ensure and guarantee this extremely large volume of daily used water will have no impact on neighboring wells, not just today but long into the future?**
- **Is there an escrow account to charge a fee for every gallon of water used? If neighbors have well contamination or wells go dry, this fund will help those people.**
- **No neighbor should be worse off because of this operations water use.**
- **What is the increased water usage by this expansion? Does the water table support this increased usage in a small area?**
- **There has been no study to determine the effects that Ridge Breeze will exert on the local aquifer by the extraction of hundreds of millions of gallons of water. No study exists to examine effect upon the local wells of citizens of Pierce County and the effect upon the precious Class 1 Trout streams.**

Response: High-capacity wells and groundwater water quantity are not regulated by a WPDES permit. However, high-capacity wells approved at Ridge Breeze Dairy in 2022 were reviewed for potential water quantity impacts to local water resources, including private wells by a hydrogeologist in the department’s Water Use program. The

results of these drawdown calculations did not show drawdowns that would be expected to result in impaired function to private wells in the area.

Comment: Is there an escrow account to charge a fee for every gallon of water used? If neighbors have well contamination or wells go dry, this fund will help those people.

Response: The department does not have the authority to charge private well users for groundwater use.

Comment: Private well owners who have contamination or their wells run dry are encouraged to “work with your neighbor”. There needs to be baseline well testing done of all neighbors within at least a mile of the CAFO site AND within a half mile of each field used for manure spreading, with yearly follow-up testing at a minimum.

Response: The department does not have authority to require private well testing. The department recommends private well owners sample their well water on an annual basis for nitrate and bacteria. Information about well testing is available through the department website. Homeowners with levels of nitrates or other contaminants in exceedance of state drinking water standards should contact their local DNR private water supply specialist.

If a homeowner suspects their well is contaminated with manure, they should immediately contact a regional DNR Private Water Supply specialist to investigate the source of contamination. Where the source of the contamination can be identified, the DNR will determine the appropriate enforcement response. In some cases, the DNR can provide an emergency source of water, technical assistance for well treatment or replacement options and/or financial assistance for well replacement.

Engineering Focused Comments:

Comment: There are known in-situ silty soils (USCS classification ML and ML-CL) at depth at the Waste Storage Facility 4 (WSF4) that are planned to be reused for the embankment fill and composite liners. These soils are very sensitive to vibrations and very difficult to compact. How will these soils be compacted, moisture-conditioned (if needed), and reused for the composite liner and embankment fill? With all of the rain this summer, I assume these soils will be over optimum moisture content and will need to be dried or replaced.

Response: Waste Storage Facility 4 is designed to meet NRCS 522 (06/21), Table 2, Column B. Based on this, compaction of placed material is required to follow the NRCS Wisconsin Construction Specification (WCS) 204. WCS 204 also has a section to follow regarding “Fill Moisture Content.” In summary, WCS 204 says that fill material that is too wet shall be allowed to dry to an acceptable moisture content before placement or it shall be removed.

Comment: What is the quality control/quality assurance plan to ensure that compaction of the fill soils to be placed in the waste storage pad and waste storage embankments meets compaction requirements and is stable? Is it possible to change the testing frequency from 1 test every 15,000 square feet to have better coverage of testing compaction of these silty/sensitive soils that are difficult to compact?

Response: The project is required to follow the approved construction quality assurance plan during construction. WCS 204 does not have a testing frequency that is required, but the compactive effort during fill placement is spelled out in the NRCS specification.

Comment: What is the quality control/quality assurance plan to confirm that SP soils will not be in place within 2 feet of the bottom of the liner when the liners are constructed? Will an experienced soil engineering technician or licensed PE be on site to observe the bottoms of the proposed tanks, pads, and waste storage areas? Will they be on site 100% full-time during construction? How frequent will hand auger probes or test pits be located to ensure that no “false bottoms” of SP sand remain in place when the soils are layered?

Response: The project is required to follow the approved construction quality assurance plan during construction. It is up to the consultant who is certifying the plans and the project whether they are performing the inspection or allowing someone to work under the authority of their PE stamp. Similarly, the engineer will determine the time spent on inspection and the frequency of testing necessary to certify the project.

Comment: WSF4 discharge MH, how much differential vertical movement will the proposed 24" HDPE waste discharge pipe be able take if/when the waste lagoon embankment settles differentially with respect to the inside of the storage area? See Details 3/4.0, 5/4.1.

Response: The manhole is placed in an area of in-situ soils and generally in an area that requires cut rather than fill, so we would not expect significant settlement.

Comment: When was the WSF3 submitted to the DNR? The top note on Sheet 4.0 say 2027.

Response: Plans for WSF 3 were submitted to DNR on June 7, 2023. The plans appear to have a typo in listing a plan submittal date of 2027.

Comment: Structural Foundation Calculations were performed using a computer program that references ASCE 7-10. I believe that the WI Building Code currently references ASCE 7-05. Were the calculations performed with reference to the correct ASCE minimum design loads?

Response: The tanks are designed to the requirements of NRCS 313 and NRCS 522. NRCS 313 states in the section titled "Structural Design" that reinforced concrete structures are to be designed in accordance with NRCS-National Engineering Manual (NEM) Part 536. Part 536 states to use the "current" ASCE 7. It also states to use ACI 318. The provided structural calculations reference ACI 318 as well as ASCE 7-10. Neither NRCS 313 or 522 reference a requirement to use Wisconsin Building code requirements. It appears that ASCE 7-10 is more current than ASCE 7-05. The design calculations were performed by a Professional Engineer registered in Wisconsin who practices structural engineering. It is expected that Professional Engineers will use their best professional judgement in creating their construction designs.

Comment: See Detail 2 /3.6 and 3/3.6. How much settlement is expected to occur at the manure stacking pads due to the additional new load of soils (raising grade by 9 feet) and the manure storage material over the in-situ ML-CL soils?

Response: Department engineer reviewers do not look at the anticipated settlement for a stacking pad.

Comment: Per "NRCS 450-11-FOTG WI-104, Site Assessment", borrow area and information needs to be included in the plan. Where is the borrow source plan? (Include locations, dimensions and elevations, soil volumes, soil samples, testing results, and reclamation plans for borrow areas. Complete soil characterization at a rate of one test per 15,000 square feet of borrow source, with a minimum of two tests per area. Distribute the test pit or borings evenly across the borrow -CPS-4 NRCS, WI 561 November 2022 source. • Soil layers with respect to thickness, texture using the Unified Soil Classification System (USCS) as per ASTM D2488. Include Munsell color, presence and color of redoximorphic features (soil mottling), gleyed soil and moisture conditions. • Elevation of bedrock and bedrock type encountered such as sandstone, limestone, dolomite, or granite. • Upper elevation of all saturated layers encountered • Locations of sinkholes and other karst features within 1,000 feet of the facility)

Response: The document that is referenced summarizes revisions to more than 10 NRCS Standards and Specifications, so this is not the appropriate document to reference. That said, there were 54 soil tests completed by Intertek PSI that provided P200, LL, and PI from cut areas on the site. The areas where adequate soils are cut will be used as fill material elsewhere on the site in an attempt to balance cut/fill to the extent possible.

Comment: Are all composite liner soils planned to be used in cut area of the site?

Response: We are not exactly sure what this question is asking, but if the question is whether all facilities that will have a concrete soil composite liner will be in cut sections, the answer is no. There will be areas of soil liners that will be placed within fill sections and will have concrete poured on top of the soil liner.

Comment: What is the plan to moisture condition the ML and ML-CL soils? Will soils be disked for drying soils to with the specified moisture content range? These soils have a very small window for compactable moisture contents.

Response: WCS 204 also has a section to follow regarding “Fill Moisture Content.” In summary, WCS 204 says that fill material that is too wet shall be allowed to dry to an acceptable moisture content before placement or it shall be removed. The engineer and contractor can choose how the soils are moisture conditioned.

Comment: Has a global stability analysis and sliding analysis been performed for the proposed containment embankment berm to be constructed on the north side of the waste storage WSF4? With the sensitive and typically low strength ML and ML-CL layer at depth below the proposed berm, and the new surcharge load that this will be applying on the underlying soils, and with the sloping downward grade to a ravine in this area (See Detail Cross Section 2/4.0), this is a concern I have. Pages 65-68 (out of 290) in the project manual indicate that at the time of the soil borings SB23-25 (December of 2022- typically a dry season) there were wet layers and seepage on the north side of WSF4. It is likely that these soils have much high moisture contents now, given all the rain this year, and could be a low strength material for supporting 20 feet plus of new soil surcharge plus the load of the future liquid waste. I did not see a global slope stability analysis in the project manual.

Response: A global stability analysis and sliding analysis are not required by NRCS Standards, however a core trench is used in this area to help with these concerns. 5% settlement is accounted for by the fill placement.

Comment: Will the DNR require a waste storage facility leak detection system?

Response: No, DNR will not require a leak detection system for the waste storage facilities. We have confidence in the requirements of the applicable NRCS Standards is adequate.

Comment: The proposed manure pit is near a known sinkhole just north of the property. Why is this structure being allowed to be built?

Response: The sinkhole is located 858 ft from the closest point (northeast corner) of WSF 3. NRCS 313 requires the site assessment to include “The location of sinkholes and other karst features and conduits to groundwater within 1,000 feet of the facility.” The site assessment section in 313 continues, “Features within 1,000 feet of the facility must be further analyzed per WI NRCS Engineering Field Handbook Supplement Chapter 4, Exhibit A (Chapter 4, Exhibit A) to determine if they pose a hazard to the facility or environment.” To comply with this requirement, the NRCS State Geologist conducted a geophysical survey for the area of the proposed WSF 3 and the area surrounding it within 400 ft in all directions for DNR Project R-2023-0115. The waste storage facility is in compliance with the relevant NRCS Standards and DNR approved the plans as such.

Comment: The manure pipes run right next to the mapped wetland to the west of the existing barns. How is DNR allowing manure pipes to run right next to sensitive area? Who is checking the area? Are there leak detection monitors and spill detection monitors on those pipes? Request DNR complete a robust review of the manure piping system to ensure no wetlands or other waters of the state are damaged in the case of pipe leaking or failure. Request the farm be required to install leak and spill detection systems on both manure transfer pipes, and provide training for their workers at least quarterly, require daily inspections of the area, and require reporting of these inspections.

Response: DNR CAFO review authority relating to waste transfer pipes does not provide a setback from mapped wetlands, it only extends to the wetland boundary. The waste transfer pipes are required to be designed according to NRCS Conservation Practice Standard 634, which limits the pumping pressure of the liquid below that of the pipe pressure rating. There are also additional features installed such as thrust blocks and welding the pipes at bends to lower any potential risk.

Comment: Temporary berms are discussed in the emergency spill response plan. DNR and county should require that the temporary berms be engineered, designed constructed before manure can be allowed to go into the pit. Creating redundancy in spill containment, with secondary containment, is a good way to avoid an environmental disaster, groundwater pollution, downstream pollution of surface waters, etc. Help us to avoid disaster by putting redundancies in place! I would like a response from both the DNR and Pierce County about this concern.

Response: It is not a typical practice for DNR to require an engineered secondary containment for a waste storage facility. The design engineer could require it as part of their design if they had any concerns or the owner could

choose to proactively install it if they choose. It is common practice to identify temporary containment measures in the emergency response plan, such as constructing earthen berms or plugging culverts in drainage swales, and such measures are commonly used to prevent spills from reaching surface waters and wetlands.

Comment: Non-permanent feed storage areas: - why is the siting criteria for bedrock greater than or equal to 3 ft, when the distance from the bottom of the manure pit not yet approved (WSF-4) is showing at 2 ft to bedrock! Isn't this distance to bedrock a concern for the DNR? Manure spreading restriction maps show areas with less than 5 feet to bedrock, yet here the 44.7 MG pit will sit 2 ft away! What happens when the pit has a tiny crack that allows leakage? What happens if there is settlement in the pit? What happens if there is a catastrophic failure? That sensitive karst bedrock is only 2 feet away!

Response: The separation distance to bedrock for the waste storages follow NRCS Standard 522, Table 2, Column B, which requires 4 feet of separation from bedrock. The design is a concrete-soil composite, which means that there is a designed concrete surface over a soil liner component that work together and below the soil liner component is an additional soil sub-liner. Additionally, the NRCS State Geologist conducted a Geophysical Investigation for WSF3 (immediately adjacent to WSF4) which found that there does not appear to be any evidence of fractures or voids in the shallow subsurface of this area.

Comment: There is concern about the connection of the two manure storage pits on the west side of the site due to their conjoined nature. What engineering studies/reviews/design/calculations have been done on these conjoined manure pits (WSF3 and WSF4 according to the site plan) to ensure public and environmental health and safety? What levels of analysis have been performed to ensure one pit is safe if the other fails? What happens when one pit starts to leak, have settlement, other issues? Isn't it a safe bet to assume that if one of the manure pits fail for whatever reason, the other pit is sure to follow based on the pits' connectivity?

Response: WSF3 and WSF4 are proposed to be connected with pipes connecting to a manhole with a knife valve. This allows the farm operational flexibility to manage liquid waste between the two storages if one is quite a bit more full than the other. Typical operation would only transfer manure between the storages if there were a concern that one is getting more full than they want. It may also be used when emptying so that they can pump from a single waste storage rather than pumping from both, but this would be up to the farm and how they choose to operate the storages. Connecting waste storages in some manner (either pipe or overflow spillway) is a common practice used by many farms to provide operational flexibility.

Comment: Manhole issues - settlement, pipe joint failure. The very tall (~30 ft) manhole presents a lot of issues, especially with the 5% settlement rate. There is potential of the waste pipes having joint leakage or failure, and it looks like the manure piping from the waste storage pits on the east side of the farm site will be pressurized (there are many thrust blocks shown in the plan), causing the potential for leaks, spills and catastrophic failure to occur. The DNR and Pierce County MUST require a robust leak detection system, spill containment, spill response, wetland protection (the three waste pipes run ADJACENT to a mapped wetland on site!), etc. It is requested that the DNR and Pierce County provide a detailed review of the monitoring equipment needs, spill response, containment design, and then a detailed response to this public comment.

Response: The manhole between WSF3 and WSF4 will be placed on native soils and does not present a concern for settlement. The 5% settlement is a requirement in the NRCS Standard when accounting for the top elevation of the embankment and should not impact the manhole. The design was provided to meet NRCS Standards and the DNR has confidence in the Standards to provide adequate protection of the resources. An operation and maintenance plan are provided which cover containment in the event that spill response is needed.

Comment: How can the bottom of the manure pit WSF 4 (as named on the site plan) be allowed to be located only 2 ft from fractured karst bedrock, when restriction maps are required to point out any depths to bedrock in fields less than 5 ft? Isn't it true that people applying the manure also need to dig down to check the depth to bedrock, and if it is 2 ft or less, they cannot land apply manure? Why are we allowing tens of millions of gallons of manure to sit with that much weight and hydraulic pressure a mere 24 inches away from karst?

Response: The example described is for applying manure directly on the soil in fields. In contrast, the manure pit has an engineered concrete soil composite liner. The bottom of WSF4 is approximately 6 feet from bedrock. It appears the bottom of the soil sub-liner is approximately 2 feet from bedrock, which is what is being seen. NRCS Standard 522 requires 4 feet of separation from bedrock for the proposed design being used. The 4 feet of separation

accounts for a designed concrete slab, soil liner, and soil sub-liner which all work in conjunction to provide protection from leakage.

Comment: WSF-4 has a note on the plan sheet to verify adequate separation from groundwater. What does that mean? What value to adequate in terms of separation? Is there concern of groundwater impact on the integrity of the soil structure of WSF-4?

Response: A small lens of perched water was encountered in two of the soil investigations in the area that was noted in the plans. The note was placed on the plans for the engineer to remind himself to be aware to look more closely at the perched water in that area of the WSF during construction. Perched water consists of saturated soil which is above the groundwater aquifer and typically results from variations in fine and coarse grained soils. It is possible that the soils will be excavated out as this is a cut section of the proposed WSF, but it is also possible that the area might need to be over-excavated to remove the soils causing the perched water condition. Yet another option that the engineer might select is to install draitile around the proposed WSF to collect perched water. Separation from subsurface saturation for the proposed design is required by NRCS 522 to be 4 ft from the bottom of the WSF.

Comment: The cross section of WSF4 has the note" CONSTRUCT BERM WITH ADDITIONAL FILL TO ALLOW FOR SETTLEMENT. COMPACTED BERM HEIGHT SHALL BE 5% GREATER THAN DESIGN HEIGHT MEASURED AT THE CENTERLIN". The settlement does bring concern, especially with the potential for the concrete liner to develop cracks. How are these waste storage facilities inspected, and will they have a thorough inspection before filling the first time, then after each time of emptying?

Response: The NRCS 313 Standard requires fill sections to account for a 5% settlement. This is a normal requirement for a waste storage where fill is placed. The waste storage facility will be inspected before filling for the first time in order for the engineer to certify that the facility was constructed in compliance with the approved plans. Regular inspections are required to be completed to be compliant with the WPDES permit and is part of the operation and maintenance plan for the proposed WSF.

Comment: How high above the bedrock and groundwater is the waste collection pit at the center of the proposed barn? Is it engineered and lined to prevent leaking? There is a lot of concern regarding groundwater contamination due to depth to bedrock, depth to groundwater, and karst bedrock features. The same concerns exist regarding all the trenches included in the plan (parlor flush water, etc.)

Response: The flush tank through the center of the proposed barn is a minimum of 4.4 feet from saturation or bedrock based on the soil investigations for the tank. For clarification, that does not mean that saturation and bedrock were encountered at 4.4 feet below the proposed tank, it means that is where the soil investigation terminated as it would only be required to go 2 feet beyond the bottom of the proposed tank. NRCS 634 requires a minimum separation of 2 feet for reception tanks. Yes, the tank is designed to be liquid tight.

Comment: The waste transfer pipes on site are going to be under pressure. The groundwater and bedrock elevations were not shown in the pipe profiles. It is suggested to show this information to determine if there are any issues/conflicts with groundwater or bedrock. The pipe is showing a 4 ft soil cover.

Response: The 4 feet of soil cover is required to help protect the waste transfer pipes from freezing. NRCS 634 requires 6 inches of separation from bedrock beneath a waste transfer pipe. There was no bedrock encountered in the soil investigations within 6 inches of the bottom of the pipe.

Comment: Plan page 18 of 24, Section 3, STA 6+00: a pipe conflict is called out. What is the conflict? It was not clear on the overview sheets. Is this a gas line? If it is a water line, there could be pipe separation concerns.

Response: The conflict is waste transfer WT1 at approximately Station 28+75 for WT1.

Comment: The plan on page 13 of 24 (detail 1/4.2 says "Subliner soils meeting reduced seepage concrete". Does this mean there is an allowable seepage rate of the manure through the concrete? Can you describe this in more detail? What is the value of the "allowable seepage rate"? How does the "allowable seepage rate" affect the groundwater beneath the waste storage facilities?

Response: The Department administrative code requirements for CAFO liquid manure storages require adherence to design standards, not a specific seepage rate. According to Wisconsin law (s. NR 243.15 (3) (f) Wis. Admin. Code), manure storage and containment facilities constructed after July 1, 2007, shall, at a minimum, be designed and constructed in accordance with the design criteria contained in Natural Resources Conservation Service (NRCS) Wisconsin Conservation Practice Standard 313, *Waste Storage Facility Code*, December 2005 (“WI NRCS 313 (2005)”). While Wisconsin code refers to versions of these standards that were in effect at the time the code was promulgated, these engineering standards have been continuously updated up to the present day, and it is typical that CAFO plans approved by the Department were prepared in accordance with the most current NRCS design standard, as is the case with WSF4 at Ridge Breeze.

Comment: Will the DNR require a waste storage facility leak detection system?

Response: No, DNR will not require a leak detection system for the waste storage facilities. We have confidence that the requirements of the applicable NRCS Standards are adequate.

Comment: Was the adjacent pit that was constructed in 2023 inspected for cracks and issues before it was filled with manure this summer?

Response: Ridge Breeze Dairy provided the department with post construction documentation on January 11, 2024. This documentation was submitted prior to the structure being used.

Comment: The proposed manure pit is near a known sinkhole just north of the property. Why is this structure being allowed to be built?

Response: The sinkhole is located 858 ft from the closest point (northeast corner) of WSF 3. NRCS 313 requires the site assessment to include “The location of sinkholes and other karst features and conduits to groundwater within 1,000 feet of the facility.” The site assessment section in 313 continues, “Features within 1,000 feet of the facility must be further analyzed per WI NRCS Engineering Field Handbook Supplement Chapter 4, Exhibit A (Chapter 4, Exhibit A) to determine if they pose a hazard to the facility or environment.” To comply with this requirement, the NRCS State Geologist conducted a geophysical survey for the area of the proposed WSF 3 and the area surrounding it within 400 ft in all directions for DNR Project R-2023-0115. The setback for a concrete waste storage facility according to NRCS 522 is 400 ft., which this facility is outside of. The waste storage facility is in compliance with the relevant NRCS Standards and DNR approved the plans as such.

Oversite and Enforcement Focused Comments:

Comment: WDNR is currently exceeding its 75-million-dollar budget by at least 16 million. I would assume they need more surveillance labor to manage the 6,000 head size operation. Fines should be set extremely high for environmental failures to help pay for DNR management.

Response: Department regulatory programs, including the CAFO Program, use a stepped enforcement process when addressing permit noncompliance issues. When enforcement cases escalate to a level that exceeds the capabilities of the department, enforcement cases may be referred to the Wisconsin Department of Justice for civil prosecution, which includes possible monetary penalties and injunctive relief.

Comment: The department did not adequately make a compliance determination for this permit action. Inspections were mostly made based on inspections after compliance issues.

Response: Department staff used the review of annual reporting submittals, permit application materials, and several inspections to determine compliance with the permit. This included a combination manure spreading and production area inspection, along with enforcement follow-up inspections to determine compliance. Based on observations and review of applicable materials, the department has determined that Ridge Breeze Dairy is in substantial compliance with its WPDES permit requirements.

Comment: The factsheet indicates inspections were conducted on April 17, 2023; April 25, 2023; and October 20, 2023. Why hasn't there been an on-farm inspection since October 20, 2023? That is almost a year ago! Request that the DNR/County do an on-farm inspection to determine if the farm is in substantial compliance with their permit.

Response: The goal of department staff is to conduct production area site inspections at least twice during a five-year permit term. Additional inspections may occur on a case-by case basis.

The factsheet indicates the last inspection of the Ridge Breeze Dairy production area was on October 20, 2023. Note, the factsheet was drafted on May 28, 2024. On October 28, 2024, department staff conducted an inspection of the Ridge Breeze Dairy waste storage facilities during the decommission of an earthen lined manure storage structure. Current inspection frequency is meeting department policy standards.

Comment(s):

- **Spring and fall spreading with expected rainfall and little to no growing crop creates a highly plausible situation where the pollutants will move to neighboring watershed.**
- **Excessive application rates will continue to cause surface water contamination.**
- **I've driven by when there is so much manure on the fields and then a huge rain comes, or the snow melts and it just seem like there is no oversight.**
- **Manure being spread in a large-scale spring and fall will inevitably contribute to runoff. We have just been through a very wet spring, which in turn contributes to algae blooms and pollution of our already fragile waterway's.**
- **Who will be validating they are following the program and nutrient management plan?**
- **Ridge Breeze Dairy applied manure to fields in 2023 when rain was forecasted. That day the area received four inches of rain and as a result manure came off the fields and entered Nugget Lake and Rush River. They have not displayed an ability to comply with their NMP.**
- **Pierce County Land Conservation Department (LCD) staff have conducted a review of some of the fields that are included in the nutrient management plan for Ridge Breeze Dairy. The review found many fields that have channels of concentrated flow with little or no perennial vegetative cover, most displaying active gully erosion. These areas should be further evaluated to determine if the fields are eligible to receive manure applications (590 requirements).**

Response: Permittees are responsible to make sure fields meet permit requirements prior to applying manure or process wastewater. This includes making sure concentrated flow channels are properly armored to prevent rill or gully erosion. Local department staff will continue to conduct periodic inspections of cropland and manure spreading activities. Outcomes of these inspections help the department determine whether the permittee is complying with their permit and nutrient management plan.

Department staff may use stepped enforcement when noncompliance such as manure runoff, excessive rill, or gully erosion on fields are observed. Outcomes may result in flagging fields, making them ineligible to receive nutrients until concerns are resolved. This may include vegetating or expanding vegetation within concentrated flow channels. Concerned residents are encouraged to notify the department by contacting the local Agricultural Runoff staff or DNR Conservation Warden. Those who wish to stay anonymous should call the DNR Tip Hotline at 1-800-847-9367.

Comment: Has the DNR or Pierce/St. Croix/Pepin County considered testing for e.coli in the ditch runoff after rain events?

Response: When responding to complaints and spills, department staff may take water samples in cases of suspected manure-laden runoff is leaving a field. This can be important evidence when alleging permit noncompliance.

Comment:

- **In very general terms and based on my review their past history, since RBD has clearly demonstrated their lack of effectively and efficiently managing the P from 2,431 AUs, what assurances can DNR give to Pierce County citizens that their P management will magically improve with 9,010 AUs?**

- **The monitoring of the potential externalities created by this expansion will be self-reported and self-monitoring which inherently is a risk.**
- **I seriously question whether Ridge Breeze Dairy or the WDNR can be trusted to act in good faith if the permit is granted. The very idea that this company will self-regulate is a joke.**
- **My concerns focus on a system that – unbelievably – relies upon self-reporting and monitoring by a thinly staffed DNR. I cannot think of another industry where self-reporting would be acceptable.**
- **I ask that DNR change course and put public health and safety first. Don't "assume compliance".**
- **These CAFOs are so big they don't even know when they are polluting. Its only when "we" the public are the eyes and ears and report spills, runoff, and contamination.**

Response: Self-reporting is a building block of the federal NPDES permit program that serves as a basis for Wisconsin's WPDES CAFO permit program. The permit requires the operation complete ongoing self-monitoring and reporting of its production area and nutrient management activities. The permittee is required to report certain types of non-compliance to the department within 24 hours. In addition to self-monitoring and reporting, the department (1) reviews annual reports summarizing self-monitoring activities and annual Nutrient Management Plan updates, (2) responds to citizen complaints, (3) conducts periodic manure spreading inspections, (4) conducts a compliance inspection at least twice during a five-year permit term, (5) conducts more frequent inspections as needed, and (6) responds to spills should they occur. Review of submitted reports and inspections are the responsibility of regional DNR field staff. Should permit noncompliance become known through any of the six activities listed above, appropriate enforcement actions can be taken against the permittee.

Comment(s):

- **This management (Breeze Dairy Group) does not have a good track record in handling their manure. Pine Breeze Dairy in Pine River, WI (Waushara County) has had 9 spills in the last 11 years-nearly one every year! At just this one facility, the total amount spilled is 200,000 gallons of manure, one such spill of 100,000 gallons in a wetland and neighbor's pond. If this producer can't handle manure in eastern Wisconsin with half the animal units than what is proposed in Pierce County...how are they going to handle manure for 6,000 cows here?**
- **Ridge Breeze has a history of multiple violations about the handling of the waste products of it's operations.**
- **Overall, the community is very concerned about Ridge Breeze's potential expansion. It has been shown that both Ridge Breeze and Breeze Dairy Group have had multiple violations. Landowners have come forward saying they have never heard of Ridge Breeze, even though their land is listed in the NMP as being available for Ridge Breeze manure. This calls into question the integrity of Ridge Breeze. They do not appear to be a trustworthy actor. The community is deeply concerned about Ridge Breeze's ability to expand, if they are having trouble with the size they currently are at. How can they be trusted to increase to over 3 times their current size if they can't seem to manage their responsibilities, regulations and operations at their current size?**
- **Breeze Dairy has a history of breaking the rules, being fined, and being an out of the area entity. They aren't really invested in our community and don't care about what's happening when they continue to do their farming and just lie, as seen in their NMP application.**
- **DNR should not give the farm an expansion permit when it was apparent that they are an organization that has prior noncompliance issues with no provisions for smell, noise or a business model.**
- **Ridge Breeze Dairy applied manure to fields in 2023 when rain was forecasted. That day the area received four inches of rain and as a result manure came off the fields and entered Nugget Lake and Rush River. They have not displayed an ability to comply with their NMP.**

Response: The department uses a stepped enforcement approach in all programs it regulates. Department enforcement actions taken against Ridge Breeze Dairy since purchasing the farm include issuing two Notice of Noncompliance enforcement letters. The operation has since returned to compliance with its WPDES CAFO permit, therefore issuing the permit is warranted. The department will continue to monitor the operation by conducting periodic inspections of the production area and cropland, along with reviewing annually submitted reports.

Comment:

- **If manure is spreading and a fish kill occurs in the Rush River who is responsible, the landowner? the renter? the CAFO? Are they responsible to make restitution.**

- **What happens if there is a fish kill in Rush River, Nugget Lake, Plum Creek, Eau Galle River, or the Trimble River? Who is responsible? How can the farm be held responsible if their manure spreading practices cause a fish kill?**

Response: In the case of a manure spill or field runoff event, the permittee maintains responsibility of the manure, including any adverse impacts to the resource such as a fish kill. Requirements in the permit are included to ensure that cleanup is prompt and thorough to prevent impacts to the environment. In cases when the department alleges a permit violation, department stepped enforcement is used to correct the issue. This may include referring the case to the Wisconsin Department of Justice for monetary penalties.

Comment: **If the expansion does go forward, I would hope that you would enlist a core of volunteers to monitor the application of those millions of gallons of manure as I know that there are going to be problems which are detrimental to the health of local residents as well as wildlife present in the affected areas.**

Response: The department partners with Water Action Volunteers for citizen stream and lake monitoring, however this does not include the monitoring of CAFO farms. To report an CAFO farm related environment complaint or spill, the department encourages members of the public to contact their local DNR Regional Agricultural Runoff staff or use the DNR Tipline at 1-800-TIP-WDNR.

Comment(s):

- **DNR is not staffed to properly inspect CAFOs to make sure they are compliant with their permit.**
- **Concerns with overworked DNR field staff given the responsibility to regulate CAFO operations.**

Response: Self-reporting is an important aspect of the WPDES CAFO program implemented by the State of Wisconsin. Department staff review submitted reports and conduct periodic inspections of the farm production area and cropland/manure spreading activities. Outcomes of these inspections help the department determine whether the permittee is complying with their permit. The CAFO program continues to evaluate the needs of their staff and prioritizes activities as needed.

State Agency Mission Focused Comments:

Comment(s):

- **Ensuring our water is drinkable, fishable, and swimmable now and into the future is an imperative of the DNR as defined in your mission statement.**
- **I agree with the DNR mission statement and expect that you will make decisions in alignment with it – including denying the Ridge Breeze application.**
- **I have always been a supporter of the WDNR; Natural Resources is in your name. What “resources” are more “natural” than clean drinking water, streams and rivers that are safe for fishing and swimming, fresh air to breathe, healthy soils to grow our crops, gardens, and orchards.**
- **Approval of this expansion would violate the Public Trust Doctrine and deny the citizens of Wisconsin their constitutional rights under the Wisconsin Constitution. Approval of this expansion would be acting as if the Public Trust Doctrine and the Wisconsin Constitution did not exist. It would be acting like the ground water, the surface water, and the aquatic life in the surface water belong to Ridge Breeze Dairy rather than to the citizens of the state.**
- **The application for the Ridge Breeze expansion does NOT align on any level with the DNR mission statement. It has the very real potential to further degrade and pollute our fragile and valuable resources and infrastructure...which, incidentally, belong to all residents...not just Ridge Breeze.**
- **I suggest that approval of this is a clear violation of the Mission Statement of the Wisconsin DNR.**
- **Do the DNR, Pierce County, St. Croix County and Pepin County feel they are meeting all statements of the Wisconsin constitution and all existing laws?**
- **Disapproving this proposed CAFO expansion would be in alignment with the DNR Mission of protecting and enhancing our natural resources: our air, land, and water; our wildlife, fisheries, and forests and the ecosystems that sustain all life.**

- **Disapproving this CAFO expansion would be in alignment with the DNR Mission of protecting our air, land and water and providing a healthy, sustainable environment.**

Response: The department implements the WPDES CAFO permit program in accordance with the authority provided by the state legislature under ch. 283, Stats., and in accordance with the Clean Water Act. Conditions in WPDES CAFO permits are consistent with the authorities given and the requirements outlined in ch. NR 243, WIS. Adm. Code.

Mortality Management Focused Comments

Comment(s):

- **I have Avian Influenza concerns with this operation. If animals do not recover from the illness, is there a means of depopulating those unfortunate creatures beyond incineration on the site.**
- **What kind of disposition plan is being proposed if cattle illness, barn collapse, or mass mortality would occur.**

Response: The permit includes animal carcass disposal requirements. Disposal methods shall not violate ground water standards or impair wetland functional values. Carcasses also may not be disposed of in liquid manure or process wastewater storage structures unless the structure is adequately designed for that use. As part of the modified permit, Ridge Breeze Dairy will be required to provide the department with a Mortality Management Plan to ensure carcass disposal is done in a manner that meets permit requirements.

Comment(s):

- **Pathogen contamination is a serious and growing concern. The bird flu H5N1 infects cows and can be spread via manure. Manure spread improperly, can possibly infect our waters and air with H5N1.**
- **Avian Influenza is a concern I have with this operation. Does the current proposal from Ridge Breeze Dairy provide a quarantine location for sick animals and a means of pasteurizing their milk – or will that milk find its way into the manure storage area or conveniently be dumped or spread onto a field?**

Response: Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is responsible for monitoring animal diseases and responding when outbreaks occur. During past outbreaks of H5N1 in Wisconsin, DATCP worked with DNR, county staff, local health authorities, and the affected farm(s) with monitoring, carcass disposal, and other waste disposal activities.

Comment(s):

- **According to bovine veterinarian it is estimated a cow herd mortality rate is 6-8%. At a herd size of 6,500 cows and an 8% mortality rate, we should expect 560 dead cows per year. That's approximately 1.5 cows per day that would go to the onsite incinerator. What will this do to the air quality?**
- **Please limit the number of cows to reduce the use of the carcass incinerator.**

Response: The WPDES CAFO permit program is based on water quality protection and does not address air emissions or odor issues from CAFOs. The department has limited authority to regulate air emissions and odor from livestock operations.

Comment: The ash from the farm's incinerator should be consider hazardous waste and taken to a land fill.

Response: Ash from a carcass incinerator is better regulated by the department's Solid Waste Program. This material shall be disposed of at a solid waste facility licensed by the department to accept the material. An approved disposal site can be a licensed landfill. The material may also be disposed of by an alternative method approved in writing by the department. Approvals are issued on a case-by-case basis after being reviewed by the department.

Miscellaneous Comments

Comment(s):

- **At any point are the cattle outside? Do they ever see the light of day.**
- **How many animals will be onsite.**
- **What is happening to the calves when they are born? Where are they going?**
- **Are calves and young heifers going to be raised somewhere else and then brought back when they are a certain size? If this is the case, shouldn't that other farm be included in this NMP and permit modification, including manure totals and the need for spreadable acres?**
- **If calves and young heifers are raised at a different location, we believe this permit application should be dismissed until the other site is included.**
- **The animal unit numbers on the NMP narrative and permit fact sheet are different. What are the correct numbers.**
- **Comment: Permit Factsheet 1.1.5 "Changes from Previous Permit, Sample Point 009- Calf Hutch Area has been removed." Where are the calves going? Where are calves being housed until they are shipped out?**
- **Where is the cow maternity area? How is Ridge Breeze getting its youngstock/replacement calves? Based on estimated annual cow mortality, 520 cows a year will need to be replaced. That is a lot of calf management, a detailed plan is needed!**
- **Request that the DNR and Pierce County require a detailed plan for calf and heifer management/raising including manure, feed needs and inclusion into the WPDES expansion permit and nutrient management plan, with required updates.**

Response: As an outcome of the proposed expansion, Ridge Breeze Dairy would operate at 6,200 cows and 300 heifers, totally 9,100 animal units. All animals are planned to be under-roof, with no outdoor cattle lots being proposed. With the exception of 300 heifers, remaining young stock will be raised offsite and outside of Wisconsin; therefore, calves and young heifers are not a part of this permit or nutrient management plan.

Comment: I was extremely troubled by the impersonal nature of the hearing where community members had no option but to speak to a computer screen to faceless DNR employees in Madison who could not even respond to questions. Now a decision will be reached by unknown DNR employees behind closed doors and the results communicated to the affected community members by an impersonal memo termed a written notice of final determination.

Response: The public hearing held on July 11, 2024, complied with requirements outlined in ch. NR 203, Wis. Adm. Code. The department conducted a virtual public hearing as a way to reach as many people as possible, regardless of their geographical location. The department does not respond to comments or questions during the public hearing. All comments and questions received during the comment period are being responded to in this Notice of Final Determination. Comments presented to department staff both during the public hearing and those received in writing were very much appreciated.

Comment: What do "mixed" and "individual" mean on the animal units portion of the factsheet.

Response: Mixed animal units are calculation equivalencies under Wisconsin regulations, while Individual animal units are calculation equivalencies under federal EPA regulations. NR 243 Wis. Adm. code requires both animal unit calculations be presented, with the higher of the two used to evaluate the operation.

Comment(s):

- **The town of Spring Lake has 2 world class trout rivers/streams running through it. These are the Eau Galle River and Cady Creek. These bodies of water must be protected as the valuable natural resources they are.**
- **Clean water and unspoiled land are increasingly the most important resource in the country and world. We moved to Maiden Rock from the Twin Cities for many reasons, but that is a big reason. TRAGIC to harm the water for a few thousand cows and corporate farming.**

- I and thousands of anglers from MN support the WDNR with our annual fishing license and trout stamps. We come year after year. We care about water quality, nitrate contamination, watershed erosion and the citizens who live and make their livings in the region of Breeze Dairy's enterprises. Please prioritize the water quality and health and livelihoods of western Wisconsin citizens who own and live in the zones that will be impacted by Breeze Dairy. Please deny Breeze Dairy's expansion request.
- Considering RBD is operating in a watershed that contains both impaired and outstanding surface waters and their manure applications will increase soil nutrient concentrations, how can you guarantee that "a low risk of delivery of nutrients from the land to the impaired waters can be demonstrated" as well as "any potential nutrient delivery to the exceptional or outstanding resource waters will not alter the background water quality of the exceptional or outstanding resource water?"
- Overall, to preserve and protect our streams, cropland activities such as tillage and nutrient applications can make or break the health of our watersheds. Activities managed by one entity over such a large amount of cropland stretches the capacity of how much careful management can be realistically implemented before our preservation of stream health becomes a repair effort.
- The Rush River is a jewel of a trout stream drawing anglers from near and far. Runoff from land spreading of millions of additional gallons of liquid manure in the watershed will degrade and significantly change the character of this river as Ridge Breeze Dairy has a severe shortage of spreadable acres. The runoff would add phosphorous and nitrates to the river. Both can be expected to stimulate growth of filamentous algae that would have a negative effect on aquatic life including trout and the aquatic insect larvae important to their diet. Heavy growths of algae can smother the rocks and rubble that are habitat for aquatic insects. Heavy algae growths can also result in lowering of nighttime oxygen levels that can stress or even kill trout and other sensitive aquatic species such as stoneflies and mayflies.
- Maintaining minimal nutrient loading and avoiding impairment is the main goal of conservation efforts in the Rush River watershed. Upward trending P indices for operations that have high animal unit to acreage ratios, such as Ridge Breeze, makes careful and continual nutrient management especially crucial for the preservation of water quality in the region.
- This will pose a huge risk of citizens of Pierce County, to the aquifer, to the trout streams and wells. This will only benefit the shareholders of Ridge Breeze LLC.
- This proposal would further pollute the waters of Lake Pepin and be a significant adverse impact to its fishery and over-all recreational and economic value.
- Runoff would be a negative for dissolved oxygen levels, trout, and all sensitive aquatic life forms. This proposal, over time, would ruin the character and nature of the Rush River as a trout stream making it more suitable for less desirable warm water species of fish and pollution tolerant invertebrates such as sludge worms.
- Western Wisconsin is too vulnerable for groundwater contamination or unattended runoff into rivers, lakes, and streams.

Response: The department recognizes that impaired and outstanding resource waterways exist in the vicinity of Ridge Breeze Dairy site and its fields used for manure applications. The department agrees with commenters that protection of these surface waters is important. The WPDES CAFO permitting program is intended to protect all types of surface water features. A WPDES Permit is a water quality protection permit program that protects surface water, groundwater and wetlands.

WPDES CAFO permits include operational requirements and discharge restrictions for the production area (e.g., periodic self-inspections, no discharge of pollutants to navigable waters from the production area) and outline best management practices for land application areas (e.g., restrictions when spreading near surface waters and their conduits, limitations on winter spreading of manure, phosphorus and nitrogen-based nutrient budgeting). These requirements eliminate or minimize the potential for discharges to waters of the state. Impacts may still occur, particularly in cases of permit noncompliance; however, the permit provides a means to avoid potential impacts to water quality and address those impacts if they occur through department enforcement policies.

Comment: Why is the effective date of modification listed as August 1, 2024?

Response: Permits are generally issued on the first of the month. August 1, 2024, was simply a proposed date of modification that was after the required 30-day comment period and the beginning of a month. Once a final determination is made, dates in the permit are edited to reflect any needed changes.

Comment: It is requested that the DNR and Pierce, St. Croix and Pepin Counties educate landowners on their rights when they rent land out for farming (crops and manure application). Provide landowners with example written contracts. What rights do landowners have to dictate what is done to their land? What can be included in a land agreement, such as yearly private well testing, extra spreading restrictions on top of DNR restrictions, etc.? The public is most likely not aware of their rights and the option to dictate the terms of the contract with a renter.

Response: The department does not take on the responsibility of educating landowners of their rights or provide examples of land contracts. Local efforts by Farms Union members have provided some landowner outreach within the tri-county area.

Comment(s):

- Large post framed buildings used in the agriculture industry do not require anything more than a land use permit form Pierce County. I personally verified this and was told that such agricultural buildings are not required to follow the typical building codes, do not need to submit plans and specifications for review and approval, and do not need to have inspections to verify construction.
- One of my greatest concerns regarding such a massive unregulated structure is failure due to snow load, especially when combined with lack of maintenance. What will become of the thousands of crushed cattle in that scenario?
- Animal housing buildings have unique interior conditions which will cause corrosion of both the steel connectors as well as the wooden components. I have witnessed the results of poor maintenance on these facilities which often results in collapse. These failures typically happen suddenly and when you least expect it. Due diligence must be taken to prevent such instances from occurring. However, in my experience, maintenance is usually neglected. The construction of a new barn at the Breeze facility would give me even more concern as their owners are not present given their corporate office location in Appleton, WI and their many other large dairy operations to handle.
- Ag buildings are not subject to design standards, plan or specification review and approval, etc. Amazon warehouses and manufacturing facilities, for example, have to deal with building codes, etc. - things that ag structures and CAFOs are not required to do.

Response: The department does not have the regulatory authority over agricultural buildings construction and maintenance.

Comment: Permit Section 1.1, third bullet item: “The production area is operated in accordance with the inspection, maintenance and record keeping requirements in s. NR 243.19.” Request that DNR require collection of records for inspection and maintenance and ensure the farm does this record-keeping. Does the farm do this record-keeping now? Has the DNR reviewed the record-keeping of the inspection and maintenance records of the current facilities to ensure the farm is doing a good job and meeting all requirements at their current size? If the farm does not have these records or the farm does not currently comply with the requirements of NR243.19, this shows that the farm cannot handle the inspection and record keeping of the current size facility. If this is the case, the farm should not be allowed to expand; cap the animal units.

Response: Permit Section 1.1 is a standard CAFO permit requirement. Ridge Breeze Dairy has provided documentation of the self-monitoring and inspection record-keeping activities since they took over management of the site. Records are submitted each year as part of the farm’s Annual Report. Department staff review these records every year and have determined Ridge Breeze Dairy has complied with this permit requirement.

Comment(s):

- The equipment used for manure is huge. What impacts will they have on township and county roads if they are forced to use the roads before load limits are off?
- Place a moratorium on the permit to allow townships to consider this conditional use like they would any other zoning issue.
- A moratorium on the permit would enable townships to create ordinances that would protect private land and watersheds from being polluted.
- Put in place annual monitoring of county and township roads used by Ridge Breeze Dairy. If damage occurs traceable to Ridge Breeze, give option to repair or forgo operating permit.

- We have witnessed CTH G shut down in one lane yearly due to manure trucks. Ridge Breeze closes one lane of CTH G for hours daily. There is no one to assist in traffic control, this cannot be legal to park manure trucks on the highway and have 3 or 4 semis lined up to unload manure, they do not own the roads.
- To get rid of the manure we'd see approximately 12,000 semi loads annually, plus all the feed trucks; that is a lot of carbon from the fuel.
- The smell, noise, and trucks will ruin any quality of life here.
- Ridge Breeze's use of public roads is wrong. These roads, that residents rely on and help pay for, generally need repair and budgets are tight in small communities. Big manure trucks crossing our roads, making more traffic, noise, and smell for the profit of Ridge Breeze is untenable.
- We are reaching out to WTA (Wisconsin Township Association) to see if we can legally post all of our Town Roads year-round with weight restrictions. Our biggest asset in the Town is our 47 miles of hard surfaced/chip sealed roads, and they were never designed to handle the heavy traffic associated with hauling liquid manure. According to easily found studies on the web, the impact of 1 loaded semi-trailer on pavement is equivalent to 9,000 passenger vehicles. Please let that number sink in.
- If this expansion is approved, they will need to gobble up more leased farmlands allowing overweight rigs to travel further and further on our roads which will be destroyed, and waterways contaminated due to the volume of manure being pumped into the land or if they spill. The distance they travel will continue to break up the roads and the repair funding to fix these roads are not coming from Ridge Breeze when it's time for repair.
- The increased noise, odor, semi traffic are all factors that would negatively impact the quality of life in this area for something that is not needed or wanted. I have had to hit the brakes numerous times traveling on roads where we have the right-of-way with the semi's hauling liquid manure making rolling stops, no stops, or parked illegally over a hill or blind area without any road patrol or signage. Plus, with the over filling that occurs they are usually painting the roads with spilled manure for the rest of us to all enjoy washing off our vehicles.
- We have major concerns about the increased traffic and noise pollution that will be caused by the expansion of these farms.
- We are reaching out to WTA (Wisconsin Towns Association) to see if we can legally post all of our Town Roads year-round with weight restrictions. Our biggest asset in the town is our 47-miles of hard-surfaced/chip sealed roads, and they were never designed to handle the heavy traffic associated with the hauling of liquid manure.
- In a number of surveys, our community has placed the protection of our natural resources and ag land as high priorities. Within our Town Plan, we have explicitly stated the importance of evaluating environmental impacts and the potential that one land use may have on the adjacent properties and on the area as a whole. Our Town Plan prioritizes a limited amount of industrial development; we consider the scale of Ridge Breeze dairy to be industrial farming.
- I am in favor of developing local ordinance and oversight of CAFOs.
- It is requested that the DNR discuss the process of land application of manure with all affected counties and townships, as well as state DOT. The quantity of trucks, the process of dumping the liquid manure into a holding "dumpster" for pumping via hose, etc. It is requested that the County, Township and State DOT leaderships be consulted on whether or not a permit to work on state, county or town road right of way is needed for manure application operations, since it is so impactful to roads and road rights of way.
- Maiden Rock Township Board of Supervisors believes the proposed operation is of an industrial size. We believe the permit should be paused until impacts of roads, public health, air quality monitoring, a fire plan, a carcass removal plan, well monitoring plan, and a look at property value near the affected neighbors.
- The Town of El Paso has posted most if not all of its Town Roads as Class B. It is requested that the DNR call the Town of El Paso chair and ask him why the roads are posted as Class B, and what that means for manure hauling in the township. Ridge Breeze Dairy has many fields listed in El Paso Township. Will the fields need to be pulled off the NMP? How will Ridge Breeze ensure they do not run trucks too full to damage the posted roads? Who will be enforcing the weight? What will Ridge Breeze do if they damage the township roads due to manure hauling? It is requested that the DNR provide a response to this public comment/question.
- It is requested that the DNR reach out to each affected county and township to see if their comprehensive plans state that each county or township has a duty to protect the residents and the environment of each county and town, and how that relates to the WPDES expansion permit, NMP, and manure application operations and manure hauling.

- **Many county and town bridges could be load posted and would be unable to hold the weight of manure tankers and trucks. It is requested that the applicable county do a road survey of all possible routes that Ridge Breeze and their hauler Anaya Farms could take from the farm to their spreading fields when doing manure application.**

Response: The WPDES CAFO permit issued by the department under the authority of ch. 283, Wis. Stat. which is the state implementing statute for the federal Clean Water Act. The department does not have the authority under ch. 283, Wis. Stat., or under any other statute that the department implements, to regulate traffic issues or other local planning issues. It is the CAFO's responsibility to determine how local ordinances and state regulations affect their operation and how they comply with such ordinances and regulations.

Comment(s):

- **Permit Factsheet section 3.5 Feed Storage Runoff Controls – Engineering Evaluation. The permit requires the farm retain a qualified expert to evaluate the feed storage runoff controls. Who is the qualified person, what is their title? Are they a licensed professional engineer in the state of Wisconsin? What is their PE license number? DNR and Pierce County should receive the evaluation for the feed storage area and runoff controls ASAP and complete a very detailed review.**
- **There are additional permit requirements in Permit Section 3.5 Feed Storage Runoff Controls, including should as plans & specification development and corrections & post construction. Who is the qualified person developing these submittals? Are they a licensed professional engineer in the state of Wisconsin? What is their PE license number? DNR and Pierce County should receive the evaluation that includes a written description for the feed storage area and runoff controls system ASAP and complete a very detailed review.**
- **It is requested DNR and Pierce County receive modifications due to the heavy, wet soils and potential springs encountered at the feed pad site. It is requested that DNR and Pierce County complete a very detailed review.**

Response: As part of the existing permit, the permittee was required to address runoff concerns for the feed storage runoff control system. The permittee was required to provide the department with an engineering evaluation to describe the system's ability to adequately meet permit requirements. In lieu of submitting an engineering evaluation, Ridge Breeze Dairy chose to abandon the existing feed storage pad and replace it with a new one. On behalf of Ridge Breeze Dairy, Auth Consulting & Associates (AC/A) submitted engineering plans & specifications for department review for the new feed pad and runoff controls. The design planner was Dave McDaniel under P.E. stamp 30605. These plans included the decommissioning of the existing feed storage pad and its associated runoff controls. Ridge Breeze Dairy is required to submit post construction documentation within 60 days of completion of the project. This project has not yet been fully completed; therefore, post-construction documentation has not been submitted.

Comment: If the manure pits are full at Ridge Breeze Dairy and Ridge Breeze Dairy does not have enough acres for land spreading, what happens?

Response: The WPDES CAFO permit includes requirements intended to prevent the situation you described from happening. CAFOs are required to have a minimum of 180 days of liquid waste storage capacity and maintain an appropriate land base to support annual waste production. CAFOs are also required to lower waste levels between October 1st and November 30th to obtain 180 days of storage capacity to prevent the need for liquid manure applications during winter months, where manure applications may be prohibited dependent on-site conditions. Department Nutrient Management Plan reviewers have determined Ridge Breeze Dairy has adequate land to support their estimated annual waste production after expansion. Department engineer reviewers have determined that Ridge Breeze Dairy would have approximately 244 days of waste storage after the proposed cattle expansion.

Comment: Since the nutrient load coming off the feed storage pad WSF 5 is “hotter” than the manure of WSF3 and WSF4, is there concern about overapplying nutrients on fields during manure land application?

Response: The WPDES CAFO permit requires CAFOs sample manure and process wastewater at a minimum frequency of twice per month, per source. CAFOs are required to account for all nutrient applications made to fields in their nutrient management plan. With proper manure sampling and proper nutrient budgeting, risk of applying above UW nutrient recommendations would be minimal.

Comment: Is feed storage pad leakage considered hazardous waste, and how is it regulated?

Response: Feed storage pad leakage is considered process wastewater and is required to be sampled at the same frequency manure liquid manure prior to land spreading. This material may be managed and stored separately or co-mingled with manure.

Comment: Page 37 of the permit states the following “Signature(s) on reports required by this permit shall certify to the best of the permittee’s knowledge the reports to be true, accurate and complete. All reports required by this permit shall be signed by:

- A responsible executive officer, manager, partner or proprietor as specified in s. 283.37(3), Wis. Stats., or
- A duly authorized representative of the officer, manager, partner or proprietor that has been delegated signature authority pursuant to s. NR 205.07(1)(g)2, Wis. Adm. Code.

Will updated signatures be obtained for all required submittals/documents? Who is checking to make sure there are updated signatures?

Response: The application materials submitted by Ridge Breeze Dairy was physically signed by the authorized representative for Ridge Breeze Dairy on January 25, 2024. The signed application documents are included in the permit application document set.

Comment: Ridge Breeze dairy increase the number of cows and animal units from 2023 to 2024. Why were they allowed to do that without some type of permit/approval from the DNR and Pierce County?

Response: The WPDES CAFO permit and ch. NR243 Wis. Adm. code does allow internal growth of an operation up to 20%, or 1,000 animal units, whichever is less, without notifying the department. In the case of Ridge Breeze Dairy, the operation took calves and heifers offsite and increased cow numbers. This change in animal units is allowable under their permit.

Comment: Who at the DNR reviews the NMPs and WPDES permits/modifications? We always thought Jeff Jackson did this work, but it was said that he is not a reviewer, he is an enforcer. What is the team and what are the members’ titles and roles, who review all aspects of a WPDES expansion permit, NMP substantial revision, and yearly NMP updates.

Response: When a CAFO application is submitted to the department, application materials are initially reviewed by the department’s intake team. Once the intake review is complete and the materials are found complete for review, the application materials are forwarded to the appropriate technical reviewers. A technical review involves an engineering, nutrient management plan, and hydrogeology focused review. Qualified department staff that review and approve associated permit application and compliance materials do verify that all requirements of applicable laws related to the permit are met.

Once all applicable reviews and approvals have been completed, department regional staff (e.g., Jeff Jackson for Pierce County) draft a permit based on outcomes made during technical review of application materials, and permit compliance inspection determinations. Draft permits are developed to reflect CAFO Program policies, and department authorities outlined in s. NR 243 Wis. Adm. Code. Changes to draft permits based on outcomes of received public comments undergo additional program policy review by the CAFO Program Permit Coordinator. Regional staff then take on the responsibility of enforcing the issued WPDES CAFO permit.

CAFO Program Intake staff, with assistance from the Nutrient Management Program Coordinator take on the responsibility of reviewing Nutrient Management Plan Substantial Revisions. If the department receives public comments or there is a request for a public hearing, Regional Staff get involved to bring a local perspective to the review.

Regional Staff take on the responsibility of reviewing annually submitted reports. Reviews help regional staff identify issues (if any) and are used in determining permit compliance. Qualified Nutrient Management Plan reviewers may also review annually submitted reports in conjunction with an application review.

Comment: Permit section 1.1.1: Sample point names do not match those on the proposed site plan.

Response: The proposed site plan and naming conventions were created by Ridge Breeze Dairy’s hired engineering firm. The department has created a Sample Point Map to help clear up any confusion. This Sample Point Map will be added to the end of this document.

Comment: In the permit under “Production Area Discharge Limitations”. If an allowable discharge occurs from the production area, state water quality standards may not be exceeded. 1) How is the discharge being tested to ensure that state water quality standards are not exceeded? 2) Who is doing the testing, and do they need to be properly trained?

Response: In the event a production area discharge to navigable waters were to occur, department staff would determine if the discharge was allowable based on the discharge criteria, including applicable operational requirements, contained in the WPDES CAFO permit. Department staff responding to the discharge event collect water quality samples for bacteria and nutrient parameters, which are analyzed by the Wisconsin State Laboratory of Hygiene. In addition to potential noncompliance with operational requirements, department staff would review any water quality results from sampling it had conducted to determine if water quality standards had been exceeded.

Comment: Permit Section 1.1 Production Area Discharge Limitations. All structures shall be designed and operated in accordance with ss. NR 243.15 and NR 243.17 to control manure and process wastewater for the purpose of complying with discharge limitations established for surface and groundwater standards. What does this mean? Is Ridge Breeze Dairy following these standards and how is the DNR ensuring compliance?

Response: This section of the permit refers to engineering design standards new and modified reviewable structures shall follow. The intent of the design requirements is to ensure reviewable structures (waste transfer systems, manure storage, etc.,) comply with surface and ground water pollution discharge limitations to.

The proposed expansion at Ridge Breeze Dairy involves the construction of several new reviewable structures, including additional waste storage and waste transfer systems. These structures were designed by a professionally licensed engineer. All new proposed structures underwent a thorough engineering plan review by department engineer staff to ensure plans met engineering and permit requirements. Any allowed pollutant discharges from waste transfer systems and waste storage facilities may not cause an exceedance of groundwater or surface water quality standards or impairments to wetland functional values.

Comment: Permit Factsheet section 1.1.6 “Explanation of operation and Management Requirements; Runoff control systems shall be monitored on a weekly basis. Results shall be submitted with the operation’s annual report. Process wastewater from the feed storage area will be stored in WSF-5.” Will this information be included in the annual NMP submittal? It is not clear what “annual report” is.

Response: CAFOs are required to submit two reports on an annual basis. Annual Reports are due by January 31st of each year. This report focuses on self-monitoring results of the production area. Nutrient Management Plan Updates are due by March 31st of each year. This report focuses on manure application and general cropping activities.

Comment: Who is doing all of the water sampling and testing at Ridge Breeze for the Reverse Osmosis system? What are their credentials? Which lab are they using for testing? What testing standards and processes are they following?

Response: The wastewater reverse osmosis and surface water discharge outfall (sample point 013) is regulated by the department Wastewater Program. No proposed changes to this system have been included in this permit modification action. Detailed information including sampling frequency, sampling parameters, and reporting requirements are included in Permit Section 2.0 Surface Water Requirements.

Comment: Permit Section 3.9 Explanation of Schedules: Concerns on how DNR and Pierce County will ensure deliverables are submitted and reviewed thoroughly. There is grave concern that the waste storage structures will not have proper updated monitoring and inspections completed. DNR and Pierce County to require a robust program of monitoring and reporting, with requested DNR and Pierce County oversight and enforcement.

Response: The department is requiring Ridge Breeze Dairy provide an updated Monitoring & Inspection Program within 30 days of the permit being modified. This document is reviewed by the department to ensure required systems and structures will be monitored by the permittee. If a deficiency is noted, the department will require the program be updated. Routine monitoring and inspection records will be submitted to the department annually via

the CAFO Annual Report. Failure to comply with requirements outlined in the Monitoring & Inspection Program may result in enforcement.

Comment: Permit Factsheet Section 3.7 Effluent Limitations for E. coli included the submittal of many deliverables that were not seen in the submittal. Ridge Breeze Dairy should be required to submit all updated deliverables for DNR and Pierce County review.

Response: The intent of this permit modification action is to add additional waste storage facilities to the production area, along with additional cropland acres to the Ridge Breeze Nutrient Management Plan. Requirements included in Permit Section 3.7 Effluent Limitations for E. coli are considered existing requirements established when this permit was first issued on January 1, 2022. Due to the nature of this proposed modified permit action, the department did not require Ridge Breeze Dairy to submit this information in the submitted application. Department Wastewater Program staff will continue to monitor wastewater related permit items, including items outlined in Permit Section 3.7.

Comment(s):

- **Where is the emergency response plan? How can Ridge Breeze have an emergency response plan due by 2/1/2022 when they did not buy Son Bow Farms until April of 2022? Or was Son Bow Farms supposed to supply the emergency response plan and they didn't do so? Ridge Breeze Dairy needs to be required to submit an emergency response plan ASAP for DNR and Pierce County review.**
- **Monitoring & Inspection Program: An August 30, 2024, due date makes the assumption, along with Jeff Jackson's draft WPDES permit cover sheet, that the permit will be approved by August 1, 2024. This expansion application is incomplete. We are requesting that the DNR and Pierce County require Ridge Breeze Dairy to update all of their out of date, incorrect and falsified documents and resubmit all document packages in their entirety.**

Response: This WPDES CAFO permit was first issued to Son Bow Farms on January 1, 2022. The permit schedule required the submittal of an emergency response plan (due 2/1/2022) and a Monitoring & Inspection program (due 2/1/2022). These items were submitted to the department by Son Bow Farms on January 14, 2022. On April 29, 2022, the Son Bow Farms WPDES CAFO permit was transferred to Ridge Breeze Dairy. The department modified the permit on May 1, 2022, to reflect the name change, but all other requirements and permit schedule item due dates remained unchanged. On May 1, 2023, Ridge Breeze Dairy provided the department with an updated emergency response plan to reflect changes in contact information.

As part of the permit modification, the department included the requirement of an updated Monitoring and Inspection Program due 30-days after the permit is modified. The draft modified permit included a proposed modification date of August 1, 2024, with a proposed Monitoring & Inspection Program due date of August 30, 2024. Dates included in the modified permit are subject to change and will be edited once the department makes a final determination. The department will include an updated Emergency Response Plan be prepared within 30 days of the permit being modified.

Comment(s):

- **The feed pad and WSF-5 are apparently under construction right now (July 2024). How does Jeff from DNR know that the weather will cooperate, that things will go as planned, and the feed pad will be constructed in 2024? The factsheet lists WSF-5 as being constructed in 2024.**
- **Major concern #1 regarding Ridge Breeze's construction work on the farm site, when they don't even have the approval from Pierce County and the DNR. Citizens are concerned that Ridge Breeze is going to build out the site to full expansion plans and then use that as leverage to get the expansion permit approval. Can Pierce County and the DNR speak to this? Is Ridge Breeze allowed to do this? What happens if the expansion permit is delayed or denied? Are Pierce County and the DNR concerned about pressure from dairy lobbyists, industry that supports CAFOs pushing them to approve the expansion permit even if Pierce County and the DNR show that Ridge Breeze does NOT have enough land available for spreading and if there are major concerns about the site development, especially the larger proposed manure storage facility that is not yet approved? How can Pierce County and the DNR reduce concerned citizens' worries about this topic?**

Response: The current permit required Ridge Breeze Dairy to install permanent feed pad runoff collection to address runoff concerns on the site. As a result, Ridge Breeze Dairy submitted engineering plans for department review for a new feed pad and runoff collection system (WSF-5). Ridge Breeze Dairy began re-grading the site in late June 2024 in preparation to begin construction of the new feed pad and WSF-5. WSF-5 acts as the feed leachate and runoff collection system for the new feed pad. This facility is related to a compliance schedule item in the existing permit. When drafting the permit fact sheet, department staff believed construction of the feed pad and collection system (WSF-5) would be completed in 2024.

Comment: Form 3400-025B requires a certification on the final page that states, “I understand that pursuant to s. 283.91(4), Wis. Stats., any person who knowingly makes any false statement representation or certification in a document filed with the DNR may be punished by a fine of not more than \$10,000 or by imprisonment for not more than 6 months or both”. Given the application submitted, Ridge Breeze is in violation of this certification.

Response: The department does not have reason to believe Ridge Breeze Dairy, LLC knowingly provided false information as part of the submitted application. Department technical reviewers requested additional information during the review of the application. Further information was also requested by the department due to comments received during the July 2024 public hearing. The department believes Ridge Breeze Dairy has demonstrated they have adequate waste storage and land base to support the proposed dairy expansion.

Comment: Why not slow this down, we have no idea how much land they actually have signed up for spreading, and what is the hurry? We just need more time to study this!

Response: The department completed a thorough review of the application materials and has determined Ridge Breeze Dairy has provided sufficient information to demonstrate they will meet requirements as described in their WPDES CAFO permit after the proposed expansion. Technical staff that review and approve associated permit applications have verified applicable laws and requirements are being addressed in the application.

Comment(s)

- **Was a risk/benefit analysis of the proposed expansion done by the DNR?**
- **An Environmental Impact Study should occur as part of this proposal.**
- **Can an environmental impact statement be requested to be completed prior to final consideration of the farm expansion? Why or why not? If an industry moved in (and this farm is like a factory or industry), an environmental impact statement would most likely be required.**
- **The DNR only has regulatory authority over CAFO's because the Federal Environmental Protection Agency (EPA) has delegated to them authority for implementation of the Clean Water Act and Federal CAFO permit program. However, with this authority, goes the responsibility for compliance with the National Environmental Policy Act (NEPA). The DNR has assumed this responsibility under NR 150, entitled Environmental Analysis and Review Procedures. Based on 35 years of responsibility for NEPA compliance with the Army Corps of Engineers, Bureau of Land Management, and U.S Fish and Wildlife Service there is no doubt in my mind that approving this expansion would constitute an action that would require preparation of an Environmental Impact Statement (EIS) to achieve full disclosure of the adverse impacts to the human environment.**
- **If the DNR believes this is not necessary because environmental assessment has been integrated into their review process, then you need to share that environmental assessment with the public and seek feedback in order to legally comply with the full disclosure and public review requirements of NEPA. Sharing of any environmental assessment with the public has not been undertaken, therefore I can only conclude the action of the proposed expansion has not yet met legal responsibilities of NEPA.**
- **Can a community impact statement be requested to be completed prior to final consideration of the farm expansion? Why or why not? If an industry moved in (and this farm is like a factory or industry), a community impact statement would most likely be required.**

Response: This WPDES CAFO permit action is an integrated analysis action under s. NR 150.20 (2) 3w., Wis. Adm. Code and does not require a separate environmental analysis process. Approval of CAFO construction plans and expansion does not require environmental analysis under NR 150 (see NR 150.20(1m)(t)). The department has complied with ch. NR 150, Wis. Adm. Code, and s. 1.11, Stats. The documents and information listed below were used as part of the department's processing of the permit application and supporting the integrated analysis determination:

- The WPDES final permit application package including forms and maps.
- A stormwater Construction Site Notice of Intent; Permit coverage was issued on August 15, 2023. As part of the intake process, the project area was screened for Natural Heritage Inventory (NHI), archeological/historical impacts, and wetland/hydric soils. All screenings were clear or have been cleared.
- Liquid manure storage capacity calculations were reviewed as part of the permit application and confirmed the operation has at least 180 days of storage.
- Engineering Plans and Specifications were submitted for new waste storage, waste transfer, and feed storage pad. The department conditionally approved the plans for these actions.
- Conditional approval on May 24, 2024, of the Ridge Breeze Dairy Nutrient Management Plan.
- Hydrogeologic review was conducted as part of the application review process.

Comment(s):

- **We already have surplus of milk produced in Pierce and Pepin counties, so the expansion is not based on present need.**
- **CAFOs embody none of the traditional WI farm values.**
- **This is not a dairy farm; this is a factory that manufactures milk from cows 24hours a day seven days a week.**
- **This is not the direction our agricultural system should be going to protect our lands.**
- **DNR and other entities should really look at this CAFO model.**
- **As everyone knows, the market price for milk is quite low already and adding more milk production under these circumstances only serves to depress the price further (supply and demand at work) thereby hurting smaller dairy farmers who are already struggling to keep their farms minimally profitable. In my mind, the only explanation for a corporation to embark upon a venture like this is to create a loss situation that can be used to offset taxes on the profits from its other operations. It's not an uncommon tactic in today's tax environment.**
- **The CAFO's I have worked with are usually on flat tracts of land with an abundant amount of nearby acreage available to them to handle the liquid manure that is generated. They usually also have a large modern cheese-making facility in proximity.**
- **This expansion planned model no way fits the scheme of 89 acres.**
- **Up to a certain point, it often makes economic sense for a business to expand its operation to maximize profit. The dairy may benefit from reduced costs, but the dairy's neighbors will inevitably pay the external cost imposed by the CAFO expansion.**
- **I am beginning to sense a trend of large factory farms purchasing their way into expanding through buying a smaller operation with an existing WPDES permit (such as the Emerald Sky Dairy in a neighboring county).**
- **This kind of industrial agriculture requires more use of antibiotics and other pharmaceuticals.**
- **Ridge Breeze Dairy is not a farm it is a corporate farm that will over supply local milk markets which drives out small dairy farms.**
- **I have concerns that this expansion will oversaturate the local milk market, thereby hurting the small local dairy farms.**

Response: The department and the issued WPDES CAFO permit regulate waste produced by a livestock operation with more than 1,000 animal units (equivalent to approximately 714 cows). A WPDES CAFO permit does not dictate a farm's size, chosen business model, or other effects on a regional market. Technical staff that review and approve associated permit application and compliance items do verify that all requirements of applicable laws are met.

Comment: 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. It is requested that the DNR and Pierce County require this information to be submitted to DNR and county review and records, at least yearly. I have not seen any documentation in over a year that shows that Ridge Breeze Dairy is actually doing this work. Request proof of this work.**

Response: The department requires Ridge Breeze Dairy to submit to the department an updated Monitoring and Inspection Program that accounts for the changes made at the site. While the initial Monitoring and Inspection Program outlines self-inspection activities, actual records are submitted annually as part of the farm's Annual Report. This information is submitted to the department each year by January 31st.

Comment(s):

- **The negative impact a CAFO has on property values should be taken into account in the DNR's decision.**
- **The value of my land will be destroyed by this expansion.**
- **I have major concerns this expansion will cause a decline in property values.**
- **We own acreage just 1-2 miles down the road from Ridge Breeze. We purchased the land to build a home but feel it may no longer be a suitable location for that if the dairy expands. We feel this really affects our property values and changes our plans for building.**

Response: Property value, noise, and traffic considerations are beyond the authority of the department to consider in a WPDES CAFO permit. Technical staff that review and approve associated permit application and compliance items do verify that all requirements of the clean water act are met.

Comment:

- **The area is already saturated with Ridge Breeze Dairy and Fetzer Farms less than two miles apart. Pierce County already has enough manure saturation from these two entities alone.**
- **Has the DNR or any of the counties ever mapped the CAFOs in the various watersheds and studied the impact of the CAFOs in the watersheds?**

Response: The department does not have the authority to direct the number of CAFOs in a particular location. The department does map CAFO production area and field locations for the purposes of nutrient management plan compliance. The department has established standards and requirements for proposed or existing farms. It is up to the farm to make the business decisions how to operate with 1,000 animal units or more in compliance with code. This includes but is not limited to obtaining a sufficient land base to support waste generated by their operation and require pollutant discharge limitations from the farm's production area.

Comment:

- **I would like to discuss snow removal and if Breeze has thought of what they would do with contaminated snow. Where will all the snow be stored? Looking at their site plan, which incorporates all of their owned land space, there was no storage on the site.**
- **There is great concern about impervious area runoff, snow stacking area runoff, and general drainage impacting the downstream high-capacity wells, wetlands on the site, and sinkholes located off site.**
- **Does Ridge Breeze have a plan to get snow off the roof of the barns? How will they remove the snow, store the snow and deal with the snow runoff?**

Response: The WPDES CAFO permit does not regulate snow removal, instead it includes requirements for monitoring and inspection of all production area stormwater conveyance systems. Proper operation and maintenance are required to keep uncontaminated stormwater (including snow) from coming into contact with raw materials. When stormwater becomes contaminated by raw materials such as feed or manure, the contaminated stormwater shall be managed to comply with Production Area Discharge Limitations. This includes unauthorized discharges to groundwater via direct conduits such as wells or sinkholes.

Comment: Permit Section 1.2.1 Non-permanent feed storage areas, last paragraph: "Storage area approvals may be rescinded by the Department based on documented impacts to waters of the state at or from the storage area, the presence of significant amounts of runoff or ponded runoff contaminated with leachate or stored feed or the permittee's failure to comply with siting and operational requirements." What happens if the storage area approval is rescinded, and the farm has impacted waters of the state? What if there is stored water that is contaminated? What happens to that water? How is that polluted water treated?

Response: Should an approval be rescinded, the department may enforce the regulations and require the user to remove all contaminated materials, including ponded runoff from the site as soon as possible.

Comment: I am concerned about manure being tracked by skid steers, trucks, and humans, around all of the impervious areas around the farm such as pavement surrounding the barn, driveways, etc. I am also concerned about spilled feed. How is the DNR enforcing this cleanup? Is Ridge Breeze Dairy cleaning up their spilled feed? The runoff from these areas is being discharged to grassed waterways, ditches and

downhill and away from the property. Is the DNR concerned about manure being tracked and how that will contaminate the “clean” water or snowmelt being discharged to ditches/off site?

Response: The WPDES CAFO permit requires permittees to take preventative actions and conduct regular inspections to minimize the discharge of pollutants from ancillary service areas. These inspections are outlined in the operation’s Monitoring & Inspection Program. After review of Ridge Breeze Dairy Annual Reports and conducting production area inspections, the department believe steps are being taken to minimize pollutant discharges from ancillary service areas (driveways, loading areas, etc.).

Comment: Non-permanent feed storage areas: Will Ridge Breeze Dairy be using non-permanent feed storage? If yes, please provide the department approval for this use.

Response: Ridge Breeze Dairy has not proposed to use non-permanent feed storage areas.

Comment(s):

- **They have already started excavating so I’m guessing this is all going to pass, and they are going to be just fine with their extra-large expansion.**
- **The owner of the farm has already started construction at the site. It seems this public comment period is a bit futile. I am glad to see all the people participating in the process.**
- **Why is Ridge Breeze Dairy building before the expansion permit is issued?**

Response: As part of the Ridge Breeze Dairy WPDES CAFO permit first issued to Son Bow Farm in 2022, the operation was required to make permanent system upgrades to the runoff control system for their feed storage. As a result, the operation submitted engineering plans to the department for a new feed storage pad and runoff controls to manage the associated feed leachate and contaminated runoff. These new structures were constructed during the summer of 2024.

The department held the public hearing to obtain comments for the permit modification, which included an increase in animal units, the future construction of additional waste storage, and additional cropland acres to support the herd expansion. Comments received during this process were reviewed and changes to the proposed permit were made as the department’s authority allowed.

Comment(s):

- **The parent company of Ridge Breeze Dairy is an LLC, they are a bankruptcy filing away from accountability of potential long-term damages that could occur, shifting the risk of the operation to the public.**
- **What happens if Ridge Breeze Dairy closes or has a huge disaster?**

Response: The following sections of the proposed permit are intended to address reporting and cleanup in the event of a spill or accidental discharge.

- Permit section 4.4.7 of the permit outlines a duty to mitigate. This permit section states, “The permittee shall take all reasonable steps to minimize or prevent any adverse impact on the waters of the state resulting from noncompliance with the permit”.
- Permit section 4.4.11 of the permit outlines spill reporting. This section requires the permittee to notify the department in the event of a spill or accidental release of any material resulting in the discharge of pollutants to waters of the state.
- Permit section 4.4.16 of the permit outlines noncompliance 24-hour reporting. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided to the department within 24 hours from the time when the permittee becomes aware of the situation.

Comment: While we disagree with this expansion, I do believe a lot of the local farmers who have a farm tax ID but do not farm have some blame in this matter. They are reaping the rewards of leasing their land out to Ridge Breeze. The rural ag land property owners must accept blame for this disaster that started with Son-Bow. People had to realize someone new would buy this operation and create a larger operation and that is exactly what happened when a corporation takes over.

Response: The department does not have the authority to dictate the operation's chosen business or growth strategy model under a WPDES CAFO Permit.

Comment: Will Ridge Breeze have the necessary machinery, equipment, and materials on the farmstead to accomplish the response techniques outlined in their Emergency Response Plan?

Response: Permittees are responsible to ensure equipment and material needed to respond to a spill or unauthorized discharge emergency is readily available, whether that is on the farmstead or through a third-party business. Permittees are required to take immediate action to minimize or prevent any adverse impacts as a result of a spill or unauthorized discharge.

Comment(s):

- **I've been told Ridge Breeze has a water recycling system that will purify the water enough to be able to drink it again. If true, is this system currently being used?**
- **It appears Ridge Breeze discontinued the use of their wastewater treatment system after receiving a Notice of Noncompliance letter issued by the department on November 15, 2023. Is Ridge Breeze planning to use the wastewater treatment system in the future? How will the system be monitored? How will the DNR know that the system is meeting wastewater effluent discharge requirements?**

Response: Ridge Breeze Dairy has a treatment system on site that uses ultrafiltration and reverse osmosis technology to separate treated water from the general waste stream. This system was first installed in 2019 but was taken offline August 2023. The existing permit still regulates this system should Ridge Breeze Dairy decide to bring the system back online. The permit requires daily, weekly, monthly, and annual sampling of the treated effluent when the system is in use and actively discharging to the outfall point. The permit also requires treated water to be periodically sent to a department certified laboratory for testing. Monitoring and sampling data is entered on a regular basis using the department's Switchboard system.

Comment(s):

- **The permit should require manure level monitoring.**
- **How is Ridge Breeze Dairy going to check waste levels in the liquid storage pits? Can we see the records of their checks since they purchased Son Bow Farms? What if a leak or spill occurs, these weekly checks will take a week to detect!**
- **Please provide all of the sampling data for each "liquid storage" pit/facility. There have not been monthly records submitted annually. Request that DNR require these monitoring and test results from now on.**

Response: The WPDES CAFO permit requires permittees to conduct weekly inspection and monitoring of all waste storage structures. Monitoring activities include the recording of manure levels in each structure. Records are submitted to the department on an annual basis. Records of these weekly measures have been provided by the farm throughout this permit term and are included in previously submitted Annual Reports.

Comment: Is snow melt/drainage considered part of the manure quantity calculation for the waste storage facilities?

Response: Precipitation that falls on waste storage facilities and areas where runoff is collected are included in the waste generation calculations.

Comment:

- **We heard that the DNR gave Ridge Breeze Dairy a variance to put manure into WSF-3. Why is that?**

- **Did Ridge Breeze Dairy violate their WPDES permit modification by filling the manure pit with manure before the expansion was approved?**

Response: Ridge Breeze Dairy contacted the department early March of 2024 stating their waste storage facilities were below maximum operating levels but were higher than expected. There was no snow, and the ground was not frozen, therefore their plan was to begin land applying manure if field conditions allowed in mid to late March. When the time came, Ridge Breeze Dairy believed field conditions were not ideal for applying manure. On March 26, 2024, Ridge Breeze Dairy contacted the department requesting to use a new waste storage facility they constructed October/November 2023. This waste storage facility was included in the Permit Modification application the operation submitted to the department two months prior.

The department granted the use of the waste storage facility on March 27, 2024, under an “Allowance of Offsite Manure Storage” since it had yet to be added to the permit. Manure would be pumped back to the existing waste storage facilities using overland manure hose. The department believed allowing use of the structure was a better alternative than land applying in less than optimum field conditions. Ridge Breeze Dairy was required to conduct weekly inspections of the structure. Inspection results were recorded and will be included in the Ridge Breeze Dairy Annual Report submitted in January 2025.

Comment: What happens if the waste storage facility overtops? What are the regulations that apply?

Response: Over topping of a waste storage facility constitutes a WPDES CAFO permit violation. The specific alleged violations would be depended on whether manure reaches waters of the state or causes other issues. The department would require the CAFO take emergency actions to mitigate the environmental and operational concerns.

Comment: “Chemicals and other pollutants may not be added to manure, process wastewater or stormwater storage facilities or treatment systems without prior Department approval.” Where do milkhouse/milking function chemicals fit into this statement? Does Ridge Breeze have the approval of the DNR for this statement?

Response: Chemicals such as iodine used in hoof baths or as udder disinfectant is seen as minimal use and is an acceptable practice. Larger quality chemicals such as manure additives or offsite waste shall receive department approval prior to being stored in a waste storage facility. Ridge Breeze Dairy has not requested approval to add chemicals or other pollutants to their waste storage facilities or waste stream.

Comment:

- **All liquid manure and process wastewater storage or containment facilities shall have the permanent markers specified in s. NR 243.15(3)(e) (margin of safety and maximum operating level for liquid manure and process wastewater storage and the 180-day storage marker for liquid manure storage). What are permanent markers for a waste storage facility, what do they look like and how is the DNR confirming that the farm has these markers? What is the margin of safety and maximum operating level for all the waste storage facilities on the farm?**
- **Who reads the markers and when? How is this information reported to the DNR?**

Response: The department does not determine the type of permanent markers used for waste storage facilities. However, markers commonly used in waste storage facilities are vertical rods installed at strategic elevations within the structure’s interior berm. These marker locations allow an operation to estimate the volume of material in a given structure. Waste storage facilities shall have margin of safety (MOS) and maximum operation level (MOL) markers. A MOS marker is located one foot below the top of the structure, representing the freeboard for the waste storage facility. Material should never surpass the height of this marker location. A MOL marker is placed below the MOS marker at a depth that accounts for precipitation from a 25-year/24-hour storm event. Material should only be above the MOL marker as a result of a precipitation event.

It is common for department staff to determine the presence of permanent MOS and MOL markers when conducting production area inspections. If a marker is damaged or missing, the department shall request it be replaced. These

markers are used to help farms conduct weekly volume measurements. These inspections are conducted in accordance with the permittee's Monitoring & Inspection Program, then included in their Annual Report.

Comment: Will all old manure pits/waste storage facilities be brought up to code/current standards as part of this permit modification process.

Response: For the purposes of this permit modification action, the intent is to reflect the additional cropland acres, increased waste generation, and additional waste storage structures being added under the permit. The department will determine whether the remaining earthen lined manure storage structures need to be evaluated at the end of the five-year permit term. The existing permit is scheduled to expire December 28, 2026.

Comment: Permit Section 1.3.1: "Permittees unable to empty their storage facility to the 180-day level indicator between October 1 and November 30, shall notify the department in writing by December 5." What happens if the farm cannot empty their manure storage by December 5th? What happens if the farm said they would NOT spread manure in the winter? How is this cold weather manure management overseen by DNR, how are records kept and how does the DNR ensure that the farm is following the spreading schedule requirements laid out in their nutrient management plan?

Response: If a permittee is unable to empty their manure storage facilities to the 180-day level by December 5th, they will need to propose a plan on how they will handle the situation. If manure can be applied under non-winter conditions (i.e., ground is not frozen, or snow covered) this may be allowed. If under winter conditions, the permittee will need to propose an alternative waste management plan. This may include acquiring additional offsite manure storage. In rare cases, the department may approve limited, low-rate manure applications on preapproved fields included in the nutrient management plan.

Comment: Is the DNR concerned about leaking from the existing waste storage facilities?

Response: During production area inspections, the department inspects the outside of all waste storage facilities for rodent burrows, woody stemmed vegetation, and any signs of berm sluffing or leaking. In previous years department staff have viewed the internal slopes of the structures after fall manure application had been completed. The purpose of this inspection was to determine if any prominent internal berm sluffing was observed. In all cases, department staff have not observed signs of leaking or structural failure. The manure storage structures will be reexamined again before the existing permit term ends on December 28, 2026. At that time the department will determine if an engineering evaluation will be required for any waste storage facility.

Comment: When was the last time the waste storage facilities were inspected by a licensed professional engineer?

Response: The waste storage facilities were last evaluated by a licensed professional during the initial permitting of the site in 2004, then permitted as Son Bow Farms. At the end of the current permit term, the department will determine if an engineering evaluation will be required for any waste storage facility.

Comment: Factsheet is showing WSF-1 as having a capacity of over 1.5 million gallons, while the site plan is showing the structure as having a capacity of 2.4 million gallons. What is correct?

Response: A capacity of 2.4 million gallons is the approximate volume of the structure from top to bottom. The capacity of over 1.5 million gallons, or roughly 1.8 million gallons represent the usable space of the structure when taking account of a 25-year storm event. That volume also accounts for contaminated runoff from other structures it supports.

Comment: According to the site plan, WSF-2 is being abandoned due to site development. What is the plan and back-up plan for the manure and process wastewater directly from the sand and fiber separation building? What is happening to the manure and process wastewater from the sand and fiber separation building. Is something else happening with the wastewater from the stacking areas?

Response: Waste leaving the Manure Building will be redirected and stored in one of the other waste storage facilities. The compost pad has since been decommissioned and the feed pad has been relocated. Process wastewater from the feed pad is now stored in WSF-5.

Comment: Sample 015; WSF-6 does not match any structures in the site plan. The factsheet states “to be constructed in 2025”. How does DNR know that the weather will cooperate, and things will go as planned?

Response: The site plan was created by Ridge Breeze Dairy hired engineering consultants. Department naming convention used in the factsheet is based off the existing WSFs, in addition to what is being proposed. WSF-6 is listed as “to be constructed in 2025” based on the proposed application.

Comment:

- **Sample point 003 is listing WSF-3 as being constructed in 1997, but WSF-3 is shown in the plan overview as the manure pit constructed in fall of 2023. This pit is already full of manure. What is the correct information? Request investigation by DNR and updating of all permit modification and NMP documents. Since this information is correct, how is Ridge Breeze in substantial compliance with their permit.**
- **WSF number allocated to Sample Point 011 is different when comparing the site plan to the factsheet. What is correct?**

Response: The site plan was developed by Ridge Breeze Dairy hired engineering consultants. These plans represent their final plan for site expansion and proposed naming convention. The permit fact sheet has to take into account the existing structures, plus what is being proposed to be added after expansion. The department will likely adopt the proposed Ridge Breeze Dairy naming convention during the next permit term. WSF-3 is sample point 003 and WSF-4 is sample point 011. This naming convention will remain until the existing permit expires.

Comment: 2023 manure pit now at capacity, how would the new pit accommodate the expanded herd?

Response: CAFOs are required to have a minimum of 180-days of waste storage. The proposed expansion, including the new manure storage structures would allow the farm an estimated 244-days of manure and process wastewater storage.

Comment: Is there a backup plan if the holding capacity of the manure lagoons are reached before they were able to spread the manure? Would they haul to another facility, and what does that do to the receiving facility’s storage plan?

Response: CAFOs are required to have a minimum of 180-days of waste storage. The intent of this requirement is to prevent the application of liquid manure on frozen or snow-covered ground. Based on the Ridge Breeze Dairy proposal, the operation would have approximately 244-days of storage. Should material reach the margin of safety levels, or another kind of emergency occur, the operation would have the option to transfer manure to another CAFO or find emergency offsite storage if approved by the department. The receiving CAFO would still have to maintain the required 180-days of storage and comply with all aspects of their WPDES CAFO permit.

Comment: The manure pit is designed like a dam and should be treated like one. There is no armored spillway/outfall in case both pits are full and start to overflow, such as when storm events keep coming and the pit capacities exceed the design rainfall event/precipitation. Think of the Rapidan dam situation near Mankato, MN (please research this damn failure online) - this is a recent example of how dams can quickly fail when water cannot flow through (or in this case at the CAFO, if there is a leak or overflow cause by precipitation or other factors).

Response: Waste storage facilities are required to meet NRCS engineer design standard 313. This standard does not require external armor or emergency spillways. The permit however requires routine volume level monitoring and structural inspection of all waste storage facilities. Permittees are required to inspect external berms for rodent holes, woody vegetation, or signs of sluffing. If features are found, repairs shall be made to address the concerns.

Comment:

- **Setting up the manure lagoon to accommodate the largest past 24-hour, 25-year rain is a major flaw in analysis. Any simple study of the last 15-year weather events would demonstrate that current trend lines have changed course upward. Using past events will insure failure of the lagoon system.**
- **Structures are designed based on a 25-year storm event. As weather patterns change, a 25-year storm event does not seem appropriate. DNR should update this requirement.**

Response: The permit reference to the 25-year, 24-hour rainfall event is an engineering design standard required under the federal Clean Water Act. It is not the threshold at which a discharge to navigable waters is allowed. Additional requirements (e.g., proper operation, maintenance and record keeping) must also be met in order for production area discharges to navigable waters to be allowed under a WPDES CAFO permit. These requirements are consistent with ch. NR 243, Wis. Adm. Code, and federal NPDES CAFO requirements. In practice, given the design and operational restrictions associated with a WPDES CAFO permit, it is very uncommon for allowable production area discharges to occur at operations with proper containment, even given more extreme precipitation events.

Comment(s):

- **I have concerns with local emergency teams to address fires or barn collapse. Will the operation be using natural gas tanks stored on the property or use the adjacent natural gas line.**
- **Will there be hazmat material stored on site that emergency response crews would need to be aware of.**
- **The DNR should look closer to potential impacts to neighbors and community fire and emergency response.**

Response: Permittees are required to develop an emergency response plan within 30-days of permit issuance. Though these plans however focus heavily on clean-up activities in the event of an unauthorized discharge or spill, the emergency response plans do include emergency contact information for local fire and rescue and sheriff department, as well as local government contacts. The department does not have authority to require detailed floor plans for emergency evacuations or emergency responses in the case of a building collapse or fire. The department does encourage communication between permittees and local emergency response units.

Comment(s):

- **Who regulates animal care at these operations.**
- **I am concerned with animal health in this confined environment.**

Response: Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is responsible for programs designed to protect animal health and husbandry. DATCP is also responsible for monitoring animal diseases and responding when outbreaks occur.

Comment: Post construction stormwater design and management. CAFOs are not required to have stormwater ponds to treat all the water that comes off their site. The 11.5 acre barn alone would produce approximately 1.5 million gallons of runoff with the design 25-year 24-hr storm. The CAFOs do not have to worry about this type of regulation like industry does. I would like a response from both the DNR and Pierce County on this issue.

Response: CAFO's intending to disturb 1 acre or more on construction activities are required to obtain a State Construction Site Stormwater Discharge Permit. The stormwater permittees are required to implement and maintain erosion control best management practices during construction to ensure sediment is not discharged from the construction site into waters of the state. Normally, entities with stormwater permit coverage are required to implement practices to address stormwater discharges in the "post-construction" condition as well (practices like wet ponds, infiltration basins, etc.). However, under s. NR 151.121 (b), Wis. Adm. Code, agricultural facilities and practices are exempt from DNR stormwater post-construction requirements.

Comment(s):

- Please stop and think for a minute before you put your stamp of approval on this permit and ask yourself would I like this next to my house?
- This area not only provides sustenance and recreation for the residents, it is also a highly desirable recreational destination for others who live outside the area. This provides a source of income to my businesses here. I doubt that those who visit would want to encounter manure spills on the roads, polluted fishing streams or the offensive odor associated with large scale manure spreading on local fields. Lake Pepin is a treasure in the state of Wisconsin and should be high on the list of protected bodies of water.
- DNR and DATCP has required a land and water plan. Do Pierce/St. Croix/Pepin Counties require one?
- At an average manure tanker size of 6,500 gallons, and assuming the tankers are fully, that calculates out to an estimated 12,428 unique truck trips.
- At an average 2,000 gallons of milk produced per cow per year, with 5,400 milking cows and an average tanker size of 6,200 gallons, that means there will be an estimated 1,742 trucks hauling milk.
- As I have watched farmland taken over by big farms, they till fence line to fence line. Our dam has been extended past its ability trying to hold back water and soil from big farms land.
- Although I do not live in Pierce County, this expansion would affect everyone. We do not live in a vacuum. The wells that we use for our water, the air we breathe, the rivers and lakes that are connected to the land will be affected.
- The reason we need regulations at all is to help control poor behavior in a civilized society.
- We have no idea how many illegal immigrants are being employed, how many illegals are driving large vehicles with no license. Look into how these operations can house so many trailers at one homesite to employ these people. Is there dangers or laws being broken that Ridge Breeze is committing but government officials turn cheek? The bulk of their employees come from south of the border, not from local citizens.
- The plan for Ridge Breeze Dairy is a plan to fail. Perhaps not economically, but it fails the local community, the local environment, and any sense of decency.
- It is likely many of the workers will be immigrants. Is the community and schools ready to support these families?
- Where are the additional workers for this expansion going to be housed? What about the septic and well needed for their use? How many additional workers will be needed for an expansion to 6500 cows?
- My contribution to support the environment are little things like growing bee lawn instead of conventional lawn, not using chemicals , grow and can as much vegetables possible. Use fabric napkins and laundry sheets. At least I'm trying: but letting Ridge Breeze expand in Pierce County will erase all my attempts to have a cleaner environment, clean water, and healthy air.
- Someone else noted that a Ridge Breeze representative said, "If you don't like living next to us, sell your land". If that is true, that does not sound like someone who really cares about the well-being of their neighbors.
- Can the DNR or one of the counties provide an example of a CAFO of ANY size improving the existing groundwater quality, increasing the existing groundwater quantity and improving soil health long-term?
- I can say in my 15 years of experience with Breeze Dairy Group in my opinion they have exhibited 1) first and foremost a high level of integrity 2) A high level of concern for all the local communities that they operate in 3) Are committed to complying with rules and regulations 4) Have NOT looked into finding loopholes around rules and regulations 5) Have exceeded industry standards for the care of their animals and employees 6) Have had an extremely good relationship with other farmers and neighbors in and around their other farm operations.
- After attending the recent DNR meeting where this proposed factory operation, I was disgusted and astounded at the hubris demonstrated by the Breeze Dairy Group. The presumptions made about where to dispose of manure, the cavalier attitude about OUR water quality, my well, my neighbors' wells, and the impact this could have on our cold-water fisheries. The DNR has worked so hard and effectively on protecting our streams and rivers, why jeopardize these advances with this half-baked plan?
- I truly believe that the health and safety of everyone in this county are best served by smaller, local farms, which are less likely to result in diseased or tainted animals or food, and if there is contamination of any sort, the effects are geographically limited to the local populations they serve, instead of endangering a large and disperse population of both people and animals.
- I also ask that you provide an example of a 6,500 cow or larger farm where the roads IMPROVED over time, where the water quality, both ground and surface, IMPROVED, where phosphorus and

nitrate levels DECREASED, where ground water INCREASED in quantity, and where the residents and responsible farmers quality of life IMPROVED.

- The Dairy Business Association submits its recommendation and endorsement of the WPDES permit modification for Ridge Breeze Dairy located in Maiden Rock, Wisconsin in Pierce County. The owners of Ridge Breeze Dairy have a long and successful record operating CAFOs in Wisconsin, exhibiting their commitment to responsible and sustainable operations of their dairy farms. Specifically, they maintain more acreage than is required so they have the flexibility to move nutrients to soil which may need additional nutrients. Having additional land also means they can meet setback requirements and keep soil healthy and consistent to produce the best crops.
- I ask wholeheartedly, for you to deny the WPDES permit application for the expansion of Ridge Breeze Dairy. It is in my opinion the RBD is long way from meeting compliance with the WI water quality standards.
- Pierce County, unlike many other Wisconsin counties, has only one inland lake that lies completely within its border that is not part of the Mississippi River. That one lake, Nugget Lake, lies less than 2 miles from the proposed Ridge Breeze Dairy expansion.
- We are seeing a correlation between excessive soil P levels on certain fields and the nitrate levels in nearby and downgradient wells, likely due to over application of nitrogen on the same fields where excessive P applications have occurred. To be clear, these are issues we are facing with all CAFO's and large-scale livestock operations across the State and country. Further, until we take the appropriate actions to protect our watershed and people; the surface water and groundwater quality of this State will continue to deteriorate, and public health and safety will continue to be threatened in some areas, and directly impacted in others.
- Breeze Dairy Group strives to be an industry leader and pioneer in animal care.
- Breeze Dairy Group works with local schools to provide scholarships, they offer tours to any and everyone showing an interest in agriculture.
- Ridge Breeze Dairy has been shown to be proactive when working with department staff.
- Breeze Dairy Group farms are shown to exceed environmental standards and their business model supports the local economy and community.
- I want the DNR and all these counties' leadership, reviewers and decision makers to know that there are many potential lifetime effects that their final decisions will have on the community and the environment, regardless of what id decided. Please take great care in reviewing these documents.

Response: While appreciated, no specific suggestions to the proposed draft WPDES CAFO permit were made in the comments above; therefore, no changes were made to the permit. Technical staff that review and approve associated permit application and compliance items do verify that all requirements of applicable laws related to the permit are met.

Comments Received from EPA or Other Government Agencies and Any Permit Changes as Applicable

Comment: Pierce County Land Conservation Department (LCD) staff have conducted a review of some of the fields that are included in the nutrient management plan for Ridge Breeze Dairy. The proposed large animal unit increase has triggered a thorough evaluation to determine if Ridge Breeze Dairy has demonstrated the ability to properly apply the estimated 80 million gallons of dairy manure, annually. This review was conducted using aerial imagery along with field visits to determine if concentrated flow channels are adequately protected with perennial vegetation. The review found many fields that have channels of concentrated flow with little or no perennial vegetative cover, most displaying active gully erosion. These areas should be further evaluated to determine if the fields are eligible to receive manure applications (590 requirements) Fields recommended for further evaluation include, but not limited to, Grower #4-02-012,018,023,025,039,040,041,046,047,050,057,63,64,066,067,071,072,076,088,091. Grower#4-04-001,004,005,006,008,011. Grower# 4-06-001, 004, Grower #4-07- 003,004. Additionally, LCD reviewed actual crop production and tillage practices on Grower #4-04 fields due to citizen concerns over visible erosion. RUSLE2 model was used to calculate annual soil loss and found 7 fields associated with this grower to be currently exceeding soil loss tolerance "T". Crop rotations and tillage practices will have to change for these fields to eligible for manure applications.

A third area of concern with the nutrient management plan is fields that show that crops will be planted using no-till methods after subsurface manure injection. Fields 4-02-011,012,067,078,080,092,093,094, Fields 4-04-03-031,032,033 and field 04-08-015 are all listed as no-till with injected manure for 2024 growing season.

In most cases, the toolbars used to inject manure cause significant soil disruption, which constitutes as tillage when calculating annual soil losses to cropland. Compliance with soil loss tolerance “T” is a major concern on these fields.

Water Quality Concerns:

Pierce County Land Conservation has been working to better characterize many of our watersheds to track progress over time. For example, the Rush River watershed, in which the main facility resides, is known for its cold-water trout habitat. During preparation for a watershed plan through the Mississippi River Basin Initiative (MRBI) sampling for several seasons revealed low total phosphorus levels. Maintaining minimal nutrient loading and avoiding impairment is the main goal of conservation efforts in the Rush River watershed. Upward trending P indices for operations that have high animal unit to acreage ratios, such as Ridge Breeze, makes careful and continual nutrient management especially crucial for the preservation of water quality in this region. Similarly, the Eau Galle watershed, which is in its second year of nutrient sampling, has had only a handful of total phosphorus exceedances at the Pierce County monitoring sites so far. North of the Lake George Dam and South of the village of Elmwood the Eau Galle River is listed as impaired. Once again conservation efforts continue to maintain and reduce sediment and total P loading to this watershed because without careful management Pierce County sections would easily join the rest of the watershed in the impairment listing. Missouri Creek, a small tributary to the Eau Galle, which has been listed as impaired due to sediment since 1990, has repeated instances of total P over the surface water limit. In response to public concern over the sedimentation of Nugget Lake, staff from Pierce County Land Conservation has monitored Plum Creek and Rock Elm Creek as they enter the park and just below the pipe leaving the dam. Although not listed as impaired, these streams have concerning repeated instances of total phosphorus exceedance (greater than 0.075 mg/L). This is somewhat attributed to the geology of the area, the Rock Elm disturbance, which decreases rain infiltration making the creeks heavily reliant on surface contribution. Increased land application of nutrients, especially phosphorus, can exacerbate the problems observed in the Plum creek watershed if not done with extreme care and planning. Overall, to preserve and protect our streams, cropland activities such as tillage and nutrient applications can make or break the health of our watersheds. Activities managed by one entity over such a large amount of cropland stretches the capacity of how much careful management can be realistically implemented before our preservation of stream health becomes a repair effort.

Response: The department has reviewed the Ridge Breeze Dairy Nutrient Management Plan and believe it demonstrates compliance with NRCS 590 and WPDES CAFO permit requirements. The department is accepting these comments from Pierce County as a public complaint and will follow standard complaint response procedures. This may involve in-field investigation activities and follow up as needed.

Comment: Statement on Behalf of Maiden Rock Township’s Board of Supervisors:

Maiden Rock Township’s Board of Supervisors advises the DNR that our Township residents have historically placed a high value on protecting our groundwater. In a number of surveys, our community has placed the protection of our natural resources and agricultural land as high priorities. Within our Town Plan, we have explicitly stated the importance of evaluating environmental impacts *and* the potential that one land use may have on the adjacent properties *and* on the area as a whole. Our Town Plan prioritizes a limited amount of industrial development; we consider the scale of Ridge Breeze dairy to be industrial farming. We urge the DNR to pause granting this permit until impacts on roads, public health, including a fire protection plan, air quality monitors, a well-water monitoring plan, a bio-hazard plan, and the negative impacts on property values are in place. We recognize that monitoring compliance with current state and county staffing is “thin;” and we do not have confidence in the DNR’s current staffing to insure that our community’s concerns will be satisfactorily resolved.

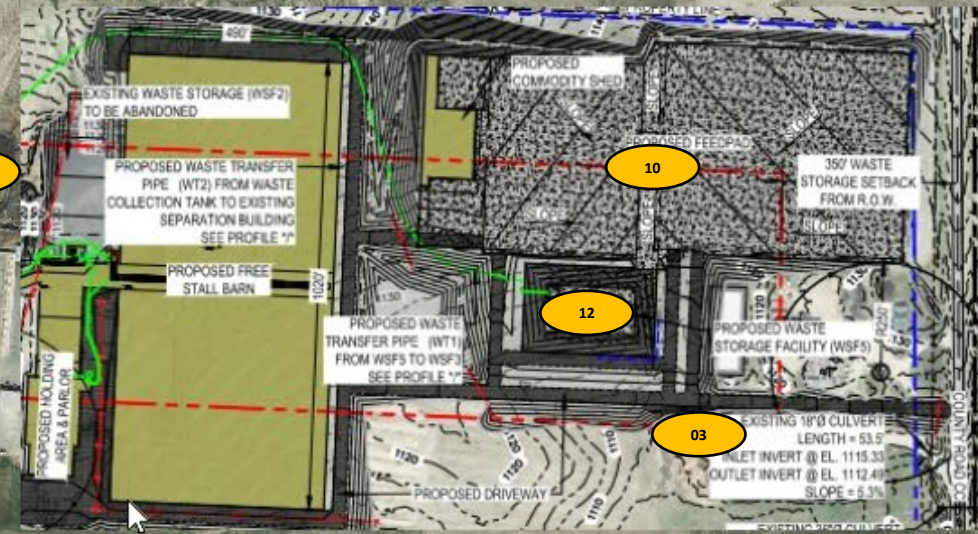
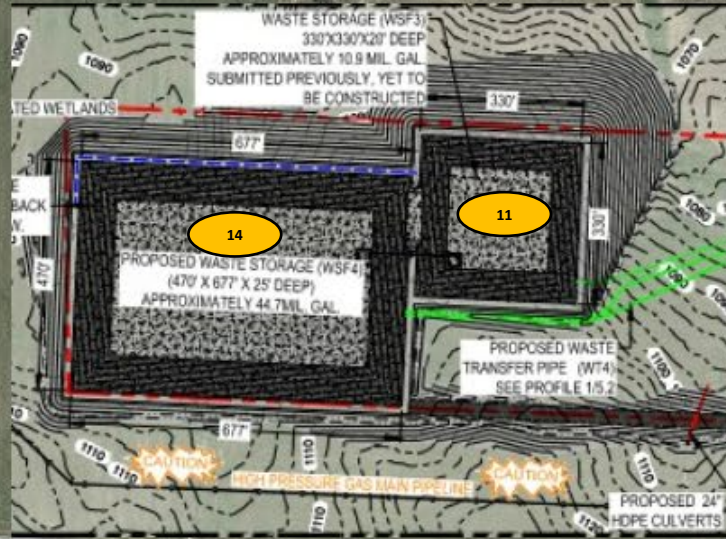
Response: The department implements the WPDES CAFO permit program in accordance with the authority provided by the state legislature under ch. 283, Stats., and in accordance with the Clean Water Act. The department has determined the Ridge Breeze Dairy expansion proposal included in the application to modify the existing permit meets these requirements.

As provided by s. 283.63, Stats., and ch. 203, Wis. Adm. Code, persons desiring further adjudicative review of this final determination may request a public adjudicatory hearing. A request shall be made by filing a verified petition for review with the Secretary of the Department of Natural Resources within 60 days of the date the permit was signed (see permit signature date above). Further information regarding the conduct and nature of public

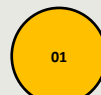
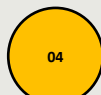

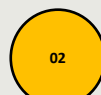
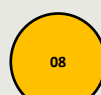

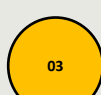


adjudicatory hearings may be found by reviewing ch. NR 203, Wis. Adm. Code, s. 283.63 Stats., and other applicable law, including s. 227.42, Stats.

Information on file for this permit action may be inspected and copied at either the above-named permit drafter's address or the above-named basin engineer's address, Monday through Friday (except holidays), between 9:00 a.m. and 3:30 p.m. Information on this permit action may also be obtained by calling the permit drafter at (715) 210-1415 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 copies of information in the file other than the public notice and fact sheet. 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.


Ridge Breeze Dairy Sample Point Map



Sample Points – Waste Materials

- | | | |
|---|---|--|
|  WSF-1 (Small Pit) |  Manure Building |  WSF-5 (2024) |
|  Solids Directly Land Applied |  Headland Stacking |  WSF-6 (Future) |
|  WSF-3 (Dry Cow Pit) |  WSF-4 (2023) |  West Stacking Pad |

Sample Points – Runoff Controls

- | |
|--|
|  Feed Pad & Associated Runoff |
|--|

Sample Points – Wastewater Outfall

- | |
|--|
|  Treated Wastewater Discharge Outfall |
|--|