

Kewaunee Groundwater - Compliance Workgroup

FINAL AGENDA & MEETING NOTES

Tuesday, October 20, 2015, 12pm – 3pm

Luxemburg Fairgrounds Expo Center

625 Third Street, Luxemburg, WI 54217

Bold items from agenda – notes are in italics

Attendance - Workgroup members present: Kyle Burton, Bill Phelps, Sarah Walling, Mark Jenks, Davina Bonness, Judy Polczynski, Marty Nessman, Heidi Schmitt-Marquez, Lee Luft, Sarah Geers, Jodi Parins (for Mick Sagrillo), Dean Hoegger, Dean Maraldo, Nick Guilette, Ryan DeBroux and Casey Jones

Item
Convene Meeting, Welcome and Introductions, Agenda Repair – Casey Jones (<i>meeting start at 12pm</i>)
DNR CAFO enforcement summary / Manure hauling audits / Field overlap / Emergency applications – Casey Jones (DNR) <ul style="list-style-type: none">• <i>Jones provided summary of CAFO enforcement actions over past 5 years including DOJ referral summary</i>• <i>DNR has done and will continue to conduct manure hauling audits for CAFO farms during land application activities (staff inspection checklist attached)</i>• <i>DNR will no longer be allowing the same field to be in multiple CAFO nutrient management plans (correspondence attached)</i>• <i>DNR will be more critical of requests for emergency applications of liquid manure to frozen or snow-covered ground; notification by CAFOs to DNR after application will be required (template conditions and form attached)</i>
Cost-share agreement compliance monitoring – Joe Johnson (NRCS) <ul style="list-style-type: none">• <i>Johnson reiterated that NRCS is not a regulatory agency, there are not many “strings attached” when a livestock facility accepts environmental quality incentive program (EQIP) funds for storage or other management practices (12 month contract)</i>• <i>NRCS does outreach to agricultural news outlets regarding financial grant programs offered throughout the year; most all available funds are used up with roughly ½ going to waste storage projects and ½ going to cropland practices</i>
Agency roles regarding nutrient management review – All <ul style="list-style-type: none">• Who does what? (County, DNR, DATCP, NRCS)<ul style="list-style-type: none">○ <i>County LWCD – receives all Nutrient management plans in the county from the certified crop consultants (~275 plans); county staff geolocate the fields in GIS (log T (tolerable soil loss); PI (phosphorus index); soil test P value; etc.); county staff review field restriction maps for karst features—if none on restriction map, county contacts crop consultant to put karst features on map and resubmit to county; county staff many do manure hauling audits at non-CAFO farms; if fields have rock piles located on the field, they are considered conduits to groundwater unless properly field verified and removed (dig up rocks/debris and replace with compacted clay—county must oversee to ensure proper procedures are done).</i>○ <i>NRCS – works with county LWCDs on NMPs including CNMPs (comprehensive nutrient management plans) done for EQIP program</i>○ <i>DATCP – reviews 50-65 NMPs annually for quality assurance; obtains all 590 NMP checklists from counties (data gathering purposes); provides Snap Plus training to farmers and crop consultants</i>○ <i>DNR – only reviews CAFO NMPs (detailed review of NMP during permit issuance or reissuance; less review on NMP update reports submitted annually)</i>• What can be done better during review / approval? <i>Overall, limited detailed reviews are done on</i>

the NMPs by regulatory agencies, but most agencies feel the certified crop consultants do a good job with submitting NMPs that meet the requirements based on the information received from the farmer and/or haulers. If agencies had more resources and staff, more frequent and detailed reviewed could be conducted to measure compliance. Perhaps agency resources could be directed at reviewing NMPs in most sensitive areas with groundwater issues.

• **What are typical deficiencies in plans needing improvement?**

- *Restriction maps that are difficult to read/understand; should be made for the person applying the manure to cropland so it is clear what areas are restricted or require certain practices. Maps missing important features such as well, karst features, waterways, etc.*
- *Field verification of fields prior to manure application.*
- *Deficient or missing soil tests.*
- *Inadequate manure samples.*

Outreach / Training Needs – not discussed in detail

- **Farmers**
- **Crop Consultants**
- **Manure Applicators** – *Annual training is received at Professional Nutrient Applicators of Wisconsin conference*
- **Land Owners** – *Luft discuss the possibility of the county board considering sending mailing out to all landowners discussing their responsibilities regarding land application of wastes*

Public comments/questions

- *Moratorium on livestock expansion is necessary*
- *More field inspections and audits are necessary and DNR needs to check to see what was applied met the requirements*
- *Faster real-time reporting of waste applications by farmers/crop consultants*
- *Self-monitoring doesn't work*
- *Signage at field application sites are necessary to disclose nutrient management information*
- *Hauling trucks should identify hauling company name clearly*
- *All NMP information should be available online*

Adjourn – approximately 3:15pm

CAFO Enforcement trends

- **2015: Statewide - 28 notices (3 quarters)**
- **2014: Statewide - 47 notices**
- **2013: Statewide - 26 notices**
- **2012: Statewide - 29 notices**
- **2011: Statewide – 30 notices**

Note: SER CAFO staff vacancy since October 2014, WCR & SCR CAFO staff vacancies since June 2015

Department of Justice – CAFO referrals

- **2009 – (2) Thompson’s Gold Dust Dairy
Duescher’s Legendary Farms**
- **2010 – (3) Tinedale Farms, Stahl Brothers Dairy,
Opitz Custom Heifers**
- **2011 – No CAFO referrals**
- **2012 – (1) Thistle Dairy LLC**
- **2013 - No CAFO referrals**

2009-2013 = 6 referrals

CAFO DOJ Referrals continued

- **2014-2015 = 6 referrals**
 - **Kulas Grain & Livestock (chronic production site discharges)**
 - **Heller Farms (land application runoff)**
 - **Ranovael Dairy (chronic production site discharges)**
 - **Lake Breeze Dairy (large spill/surface water impacts)**
 - **Friendship Valley Dairy (chronic discharges/direct pumping)**
 - **Stahl Bros Dairy (land application runoff/well contamination)**

DNR Manure Hauling Audit Field Inspection Checklist

Inspection Date:	Application Date:	Permittee/Farm Name:
Field Location:	Field ID:	Applicator Name:
Application Rate:	Previous crop:	Next crop:
Weather conditions:	CURRENTLY RAINING RAIN FORECASTED DRY SNOWING	
Soil conditions:	SATURATED FROZEN/SNOW-COVERED DAMP/WET DRY	

Application methods and equipment:	SURFACE INCORPORATED INJECTED OTHER: _____
	TRACTOR/TANKER SEMI TRUCK TRACTOR/HOSE OTHER: _____

Any manure runoff (left field boundaries)?	YES NO
If yes, circle resource(s) impacted:	SURFACE WATERS WETLANDS POTENTIAL GROUNDWATER NONE
Describe:	

Setbacks / Restricted Areas	Circle one		
Setback met for 100 feet from private wells?	YES	NO	None present
Setback met for 100 feet from other groundwater conduits?	YES	NO	None present
Setback of 25 feet from wetlands?	YES	NO	None present
25 feet to surface waters/conduits to surface waters OR 100 feet (surface applied)	YES	NO	None present
Any manure spread through grassed waterways (non-conduits to surface waters)?	YES	NO	None present
Depth to groundwater greater than 24 inches?	YES	NO	Not verified
Depth to bedrock greater than 24 inches?	YES	NO	Not verified
NOTES:			

Tile features observed (inlets/outlets/breathers)?	YES	NO
Outlets found?	YES	NO
Outlet observations:	FLOWING NOT FLOWING MANURE PRESENT NO MANURE PRESENT	
NOTES:		

ADDITIONAL NOTES/COMMENTS:

DNR Inspector initials:

Manure Hauler Interview (if applicable):	
Name, title, company name:	
What operation are you hauling for?	
What application rate is being applied?	
What are the spreading setbacks:	
To private wells?	
To streams/waterways?	
To wetlands?	
To grassed waterways?	
Does the field have drainage tile present?	YES NO DON'T KNOW
Do you have copies of restriction maps? (Have them show you)	YES NO
Describe spill response procedures:	
Other Comments:	

FIELD SKETCH DRAWING (include approximate locations of: wells, streams/ditches, flow path pattern on field, tile features, erosion issues, rock piles, areas of runoff or excessive ponding, etc.)

Emergency Surface Applications for Liquid Manure - Talking points for staff to consider if approval can be issued (per NR243.14(7)(d))

1) Do you (permittee) currently have 180 days of liquid manure storage capacity constructed at your permitted facility (includes satellite storages in permit)?

YES Most facilities should be “yes” – go to question 2

NO If “no” then there the Department cannot approve emergency spreading if the facility is already in noncompliance with minimum of 180 days of storage

Recommendation: Permittee should find an offsite storage to transport and store liquid manure. Once alternate storage is proposed, Department should review and approve as timely as possible (typically check with county LCD if a non-CAFO storage to ensure the storage is properly designed and can accept the manure). If storage is covered under another CAFO permit—have permittee specify which permittee will be land applying the manure (who has responsibility).

2) Have your storage facilities been emptied to 180 days of liquid storage capacity between October 1st and November 30th?

YES If “yes” the Department cannot approve emergency spreading, based on projections or concerns of a potential wet spring or soil conditions that could hinder hauling in spring. The Department can approve emergency spreading where an operation reached 180 days of storage in October or November but due to (1) equipment failure or (2) excessive precipitation during the winter season, necessitates spreading on frozen/snow-covered ground to avoid overflow of the storage structure (s. NR 243.14(7)(d)).

NO If “no” ask “why not?” What conditions led up the facility not emptying the storage during suitable conditions?

- Unusual weather conditions – have them describe in detail
- Equipment failure – have them describe in detail
- Other unforeseen circumstances beyond control of permittee – have them describe in detail
 - Common Example: “Cannot get a hauler to come, they are too busy.” Ask how many and which haulers had been contacted.
- Go to question 3

3) Have you (permittee) asked neighboring farms if they have additional room in their storages? Have you talked with the County regarding other storage options?

YES But no reasonable options are available – Go to 4

NO Encourage them to seek other storage options / facilitate communication with County.

4) Granting approval for emergency spreading - If storage does not have 180 days capacity and reasons provided are acceptable, permittee must propose sites that meet Table 5 (see next page). Confirm with permittee what quantity is necessary to reach 180 days' capacity – only this amount shall be approved to be applied under emergency conditions. Discuss timeline to perform emergency application (recommended within 30 days of verbal approval). See notes/considerations regarding approval process.

TABLE 5
Frozen and Snow Covered Ground Restrictions – Emergency Surface Applications of Liquid Manure

Criteria	Restrictions for fields with 0–2% slopes	Restrictions for fields with >2–6% slopes	Restrictions for fields with slopes greater than 6%
Required fall tillage practice prior to application	Chisel or moldboard plow or department approved equivalent ^A	Chisel or moldboard plow or department approved equivalent ^A	Not allowed
Application rate (cumulative per acre)	Maximum application volume of 7,000 gallons per acre per winter season, not to exceed 60 lbs. P ₂ O ₅ , the following growing season's crop P ₂ O ₅ budget taking into account nutrients already applied or other phosphorus application restrictions specified in a department approved nutrient management plan, whichever is less	Maximum application volume of 3,500 gallons per acre per winter season, not to exceed 30 lbs. P ₂ O ₅ , the following growing season's crop P ₂ O ₅ budget taking into account nutrients already applied, or other phosphorus application restrictions specified in a department approved nutrient management plan, whichever is less	Not allowed
Setbacks from surface waters	No application allowed within SWQMA	No application allowed within SWQMA	Not allowed
Setbacks from downslope areas of channelized flow, vegetated buffers, wetlands	200 feet	200 feet	Not allowed
Setbacks from direct conduits to groundwater	300 feet	300 feet	Not allowed

^A All tillage and farming practices shall be conducted along the contour in accordance with the following requirements; 0–2% slope = no contouring required, >2–6% slope = tillage and practices conducted along the general contour. The department may approve alternative tillage practices on a case-by-case basis in situations where conducting practices along the contour is not possible

Notes / Considerations regarding approval:

If fields are already identified in approved nutrient management plan for emergency surface application on frozen/snow covered ground verbal notification to Department is required as well as verbal concurrence from Department that the situation is considered an emergency. Written follow-up is required to be submitted after manure applications occur.

If fields are not identified in approved nutrient management plan for emergency surface application on frozen/snow covered ground, the information regarding emergency applications must be submitted for review and approval via online e-permitting system and are subject to public comment period and Department approval (~21 days). Written follow-up is required to be submitted after manure applications occur.

Staff should follow up with email after granting verbal approval (template below).

To: Farm, Crop Consultant, and County

Cc: Joe Baeten

Subject: Winter Spreading Request **Farm X**

Dear **Mr. Farmer**:

Thank you for the call today notifying the Department of your need to emergency apply liquid manure. Based on our conversation:

1. You currently have 180 days of liquid manure storage,
2. You were not able to empty your lagoons to the 180 day marker in October or November,
3. No alternative manure storage options are available,
4. You need to apply **x,xxx,xxx** gallons of manure to reach the 180 day storage marker, and
5. You currently have enough approved winter spreadable acres to handle the volume of manure listed above.

The Department has verbally approved your request to emergency apply liquid manure. In addition, you must follow these additional requirements:

1. Within 24 hours of the application **Farm X** shall notify the Department of the application.
2. Application rates shall not exceed 7,000 gallons/acre for areas with slopes of 0-2% and 3,500 gallons/acre for areas with slopes of 2-6%. Areas with a slope greater than 6% are prohibited from receiving emergency applications of manure.
3. All emergency applications shall be closely monitored during and after application. If runoff occurs, the Department shall be notified immediately.
4. Complete the Emergency Winter Application Documentation Sheet (attached) directly after the emergency application and submit a completed sheet to the Department within 5 days of the application.
5. This verbal approval is only valid for **30 days** after today's date.

This approval **does not limit** our authority to pursue enforcement if the emergency application results in discharge of manure or process wastewater to navigable waters or fecal contamination of a well.

Please do not hesitate to call me with any questions.

Regards,

Runoff Specialist

Emergency Winter Application Documentation Sheet

Farm Name: _____ Date: _____

NOTE: This form should be signed and submitted by permittee within 5 days after application

1. Has the WDNR been notified prior to the emergency application? YES / NO

If NO, contact your regional runoff management specialist.

If YES, date DNR was notified: _____

2. Describe the events leading up to the request to emergency apply liquid manure on frozen or snow covered ground. Be specific.

3. Complete the following table after emergency application:

Field Name	Hauler Name	Date	Application Rate	Total Gallons Applied to Field	Comments

Field Name	Hauler Name	Date	Application Rate	Total Gallons Applied to Field	Comments

4. Were application rates and restriction maps provided to the hauler prior to application?

YES / NO

Print Name: _____ Signature: _____

Good Morning/Afternoon:

By utilizing geospatial technologies such as GIS the Department is able to more efficiently manage and review nutrient management plans (NMPs). In addition, this helps the Department identify issues with nutrient management planning. One such issue that the Department would like you to be aware of is when multiple WPDES permitted farms (i.e. CAFOs) utilize the same field in their NMP. When field overlap occurs it's common that 1) each CAFO shows different crop(s) and tillage in their plans which can lead to inaccuracies in reporting and possible non-compliance, 2) nutrient applications do not correlate between NMPs which leads to over applications and improper nutrient crediting, and 3) multiple CAFOs use the field to plan manure applications as part of the 5-year NMP which exaggerates the land's nutrient capacity.

Due to issues identified by the Department with overlapped fields in CAFO NMPs the Department is no longer allowing multiple CAFOs to have the same field in their NMPs. PLEASE NOTE: this does not prohibit multiple CAFOs from utilizing the same field. S. NR 243.142, Wis. Adm. Code discusses the process when manure and process wastewater is distributed to another permittee.

The Department recommends to all CAFO owners, operators and their consultants to review their NMPs and contact landowners to determine whether or not their NMP contains overlapped fields. If an overlapped field(s) is discovered it should be determined whether or not your farm has first rights to the field(s). If your farm has first rights the Department recommends this be documented; the best method of documentation is a written agreement.

If you have any questions related to the Department's approach to this issue and this email please contact Joe Baeten at (920) 662-5191 or Joseph.Baeten@Wisconsin.gov.

Regards,

NAME

Compliance Workgroup Preparation for October 20th Meeting - Lee Luft

Questions regarding outreach from Casey Jones:

What outreach is necessary to aid regulated entities?

- A. My understanding is that many nutrient management plans are written by third parties. While this is certainly understandable, limited landowner involvement can lead to a lack of understanding of the requirements of the farm's permit.

Suggestion 1 (applicable to regulated farms of all sizes): Each NMP/Permit should end with a "bullet point" listing of landowner/operator requirements necessary to be in compliance. This bullet point list should be laminated and provided to all who may work on the landowner's property. Examples of information that could be on the bullet point list might include: Are all abandoned wells and other conduits to groundwater been identified? Have you clearly marked the areas adjacent to these areas that are not to be spread (all setbacks clearly identified)? Are the maximum application limits for each field clearly shown? Is the method that will be used to accurately measure manure application rates clearly stated? Have all who will work the land, e.g. renters, employees, seasonal workers, etc. been properly trained and understand the limitations of manure application? Has the equipment that will be used for manure application been properly calibrated, etc.?

Suggestion 2 (applicable to regulated farms of all sizes): Bullet point listing (as discussed above) should be available to all DNR, Kewaunee County Land and Water Conservation Department, EPA personnel via smart phone, tablet, etc. In this way, whenever DNR/KCLWCD/EPA personnel come into contact with a regulated farm, a quick review of the key permit can be conducted and the provisions reinforced. A check for compliance becomes far easier and any feedback on non-compliance becomes timelier. Critically important information is not buried in a 50 page plan but easily accessible.

Suggestion 3 (applicable to regulated farms of all sizes with emphasis on the top 20% of large farms): DNR will appoint a training and compliance officer for Kewaunee County who will help each landowner understand their responsibilities via an in-person meeting with farm owners/operators. This could be done individually or with group meetings.

Suggestion 4 (applicable to all regulated farms): A mailing MUST take place to notify all landowners who rent specifying the provisions for land spreading that have been approved for their lands. This is to ensure that the landowners understand and approve of the spreading that will take place on the lands they own. The KCLWCC is considering a letter to let the landowners who rent know about their responsibilities for what occurs on their lands. Kewaunee County has a substantial number of landowners who live outside the county renting to farmers who in fact have no formal land rental agreement and little understanding of the activities that will occur on their lands.

What does the general public need to know regarding their private wells and septic?

- A. I believe information regarding septic is currently available from a number of sources including the Kewaunee County Zoning office and the UW Extension office; however, most septic owners have or will be contacted by Glen Selner of Kewaunee County Zoning. The number of un-inspected septic is "relatively low" and more inspections are planned with full completion

expected in the next 24 months. With regard to well safety issues, the DNR is circulating a new policy on the definition of a “contaminated” well and what the homeowner can and can’t do to resolve the contamination issues. This is information that will be in addition to that already available about where to go for help from the State of Wisconsin.

Suggestion 1: If it is not already occurring, ask Glen Selner to file a twice-yearly report to the DNR on his findings related to on-going septic inspections.

Suggestion 2: Require the DNR to evaluate all current and future well test data by location to look and respond to patterns. An overlay of current problem wells with larger farms will (I believe) reveal a pattern of concern.

Suggestion 3: Using the well testing data, prioritize those areas of the county that need the greatest aid in dealing with unsafe wells. Based on that prioritization, create, and implement a joint DNR/KCLWCD yearly plan that will address the most pressing well problems in Kewaunee County. This can begin with providing clean water options, help with costs related to new well construction, limiting waste application to lower levels in the most vulnerable areas, etc.

What outreach is necessary for consultants?

- A. One of the biggest issues of concern as addressed at the Wisconsin Land and Water Association meeting held this year in Luxemburg was the poor quality of plan preparation e.g. plan checklists answered in the affirmative that did not contain the information said to be part of the plan, etc. Eight of eight plans examined by the Door County Land and Water Conservation Department found to contain “falsified” information. In addition, it was found that many contract manure applicators did not have current copies of the NMPs and certainly those who were actually applying the manure were not adequately informed. When approached by citizens, there was not a way to gain timely access to the plans for any particular field. Citizens have begun to question how they, as citizens can ask to have spreading ceased when the on-site spreading personnel have no documentation on what is to be applied.

Suggestion 1: Staff the DNR Green Bay office to allow for proper review of the NMPs. Are plans as written reasonable for the type of soil/soil depth/current or planned crop uptake of nutrients? Are all plan components readily available on line for real time access when needed?

Suggestion 2: Require crop consultants attend annual training/update meeting(s) conducted by the DNR/KCLWCD to reinforce the crop consultant’s responsibilities and reaffirm that there are consequences to filing incomplete or inaccurate plans including loss of planning authorizations from the State of Wisconsin. Has anyone ever been disciplined for filing an inaccurate or false plan?

Compliance Monitoring “Wish List”:

- A. A number of the things on my wish list have been mentioned above and include the following suggestions:
- Develop a long-term plan to deal with Kewaunee County’s ground and surface water contamination. At what point and through what means do we see restoration of clean

drinking water throughout the county from private wells? At what point do we see all three of Kewaunee County's watersheds coming off the EPA's listing of impaired waterways and how do we get there? How can we make Kewaunee County a model for success to be replicated throughout the State in restoring our ground water to safety and our surface waters to the vital fisheries that they were at one time? How do we aid in the decrease of phosphorus flowing into the bay of Green Bay and at what point do we expect to see a reduction in the size of the dead zone that is not simply attributable to a dryer than normal weather pattern? When do we limit the impact of phosphorus on our Lake Michigan frontage so that one of the greatest assets of our area (or in the country for that matter) can again be safely enjoyed by all residents and visitors? If we don't have a plan we will never get where we need to go. Timelines are a must.

- Ask State Legislature for any authority the DNR thinks it lacks to monitor and enforce the approved long-term plan.
- Use DNR funds designated for Kewaunee County (\$40,000 for each of the next two years) for additional ground AND surface water testing. Current testing by DNR trained "WAV" volunteers show that many points of entry to our rivers are unsafe even to wade into.
- Add Green Bay DNR Staff position(s) designated to examine and evaluate Nutrient Management Plans. Staff should verify all lands claimed in a plan are actually available to the farm for spreading and that spreading rates are consistent with current crops, soil conditions, soil depth and vulnerability to nearby surface waters.
- Fill (finally) the Kewaunee County Warden position and allocate 75% of time to ground and surface water issues including **monitoring** and enforcement of all NMPs. We are not dealing with excessive concerns related to deer hunting, fishing, etc. in Kewaunee County. We are however dealing with deep concern about ground and surface water contamination. Direct the warden resources where they are needed most.
- Provide training (to be paid for by the crop consultants and contract manure applicators) on what is expected of them, best practices, and the penalties for failure to provide accurate, readily available plans.
- Increase fees for CAFO Permits and NMPs to cover the cost of additional personnel as suggested above.
- Stop issuing "emergency land spreading variances" as a matter of course. If the farms do not have adequate storage to meet a 50 year weather pattern then they need to reduce herd count or expand storage. Issuing an "emergency" land spreading approval to every farm that applies surely sends the wrong message.
- Stop granting every CAFO permit as a matter of course. With over 100,000 cattle in Kewaunee county now and more on the way, we are reaching (or more likely have reached) the saturation point. The DNR has been ordered to consider the cumulative impact of additional high-capacity wells and they can certainly use their authority to limit further expansions when the cumulative impact of 600 million gallons of liquid manure are being applied, often over vulnerable soils here in Kewaunee County.
- If the DNR leadership can not or will not take the above actions, then, at the very least please do not challenge the EPA's efforts to deal with Kewaunee County's issues under the clean water act.

Agency Enforcement Actions:

- Stop handing out letters of non-compliance or letters of violation for repeat offenders. Begin using the DNR's current authority to actually enforce the regulations set down in the

NMPs and Permits. Voluntary compliance has not proven successful especially when followed up with a polite letter of violation. Please see documentation obtained under FOIA by the Socially Responsible Agricultural Project. The kinds of violations listed in this document and other EPA sourced documents (see EPA's Hall's Calf Ranch documents) would never have been met with such a tepid response had these been point sources.

- Enforce the penalties for crop consultants and contract manure applicators when plans are incomplete or innaccurate or when spreading regulations are not followed.
- In essence, carry out the stated mission of the DNR to protect our critically important natural resources.
- Enlist the cooperation of the Department of Justice. They have been a good resource to punish relatively small point source violators and completely uninvolved when large farm discharges, sometimes repeated discharges have been documented.

Thoughts on Compliance Work Group, Meeting #3 – Paul Cornette

1) Outreach to regulated entities.

- I think the bullet point list to go in the truck/tractor for field work is a good idea. Coincidence or not, Lee's suggestions for that list resemble the NMP checklist. Maybe we just require that part of the plan to be in the cab along with a map of the field and app rate info.
- Use a more detailed checklist. We used to have a 2-pager. Maybe SnapPlus and the P index make some of that obsolete, but I think more detail on restrictions is better than having to refer to a UW publication or a computer program.
- Improve the NMP map legends to include more info on restrictions. Don't just state: fall N restriction or perennial stream or slope restriction. Add the actual rate restriction, a setback, incorporation interval, or whatever is appropriate. There's room on the page for it, and I think it would help.
- For non-regulated farms, we could send them this info and simply state that this is what's required of others. Maybe we pick up some voluntary compliance.

2) Outreach to landowners

- I think a mass mailing to landowners stinks. Specifying what provisions are approved for their land is a very subjective process. Provisions can vary greatly by manure analysis, app technique, crop rotation, soil loss, and others. I don't see a productive path to helping them understand much of that if they don't already. We deal with a lot of "second generation landowners" who maybe haven't farmed since they were school age. Nutrient management can be pretty technical for folks who hold onto land just for a place to hunt. Then, when a line or two is thrown in about their responsibilities, I think it will create fear amongst landowners of financial liability. It makes me think this whole endeavor is designed to make landowners fear manure spreading and forbid it or rent to someone who doesn't have manure. The farms are always responsible for manure applications. I think it's a back door attempt to make land applications more difficult and thusly, curb dairy growth. This should not be the mission of our work group or the county board!

3) On Wells and Septics

- I whole heartedly agree that DNR should analyze past, present, and future well tests. Analyze type of contaminant, soil type in the area, well age, depth, manure app history, proximity to CAFO, etc. Many of the bad wells will have common characteristics. I believe it will be largely soil related, but let's figure out what the problems are, and fix them. We can and should do better than just blaming somebody. Funds may be an issue but I think we have the brain power within these work groups to do that. If the process points to large farms mis-applying manure, so be it, crack down. If it's something else, let's all be willing to acknowledge it.

4) Outreach to Consultants & Manure Applicators

- As a former crop consultant and NM planner, I'm a little surprised by and skeptical of some of the criticisms and the claims of falsification. I guess it's possible but they can only work with the info and hauling logs they're given. If you can prove deliberate falsification from

there, go ahead and discipline. Just remember, it's the farm that's putting the environment in greater danger.

- Consultants already go through a pretty respectable certification process and ongoing training. Some of that comes from DATCP and/or DNR, I don't know how much more of that will help.
- Applicators could probably use more training. Those employees aren't necessarily the "trained professionals" that consultants are. Also, pollution happens in the field, not on paper.
- Citizen Involvement: If you're a concerned citizen seeing a manure application you're not comfortable with, or you're suspicious of, you call DNR or KCLWCD. I'm all for monitoring, but when any Tom, Dick or Harriet can stop the spreading job while they try to determine whether or not it might be non-compliant, it's not monitoring anymore. It becomes harassment. There's a presumption of guilt here that just isn't justified or proper. If you see a guy walk out of a tavern at 2AM, you can follow him to his car, follow him down the road, call the police and lead them right to the guy whether you really think he's drunk or not. But, you can't detain and interrogate the guy while you try to determine for yourself if a crime might be about to happen.

5) Compliance Monitoring

- Absolutely, fill the warden position and add DNR or KCLWCD staff, if possible, to primarily monitor field operations and review plans in the "off-season".
- Allocate personnel better. Lee is right about busting people for baiting deer or fishing without a license. There are more pressing issues to deal with.
- However, I can't see how it's appropriate to stick all the added costs to farmers, many of whom are doing nothing wrong. The public pays for public servants, if everyone benefits from the theoretically cleaner environment, then all should pay. It's certainly not a user fee. I consider it more of a concession to the petitioners who are truly making the request for added scrutiny. Moreover, has anyone done the math on this often repeated request for farmers' hard-earned dollars? How many new staff? Times \$60K, \$70K, or more each year? Divided by how many farms? What percentage fee increase is that, several hundred? Would you accept that at your home or small business? This goes right back to the presumption of guilt, again. Maybe we should analyze what effect numerous legal challenges to permitting has on DNR's budget and time allocation.

6) Agency Enforcement

- Turning up the heat on stepped enforcement, especially for repeat offenders, is fine. Of course, the polite letter can't be eliminated from the whole process either. People generally, I think, respond better to that than to a threat. Agency staff seem to have at least a good amount of faith in stepped enforcement, probably from success stories.
- The inflammatory and ignorant rhetoric from SRAP dissuaded me from reading any of their report. Did they make any effort to compile statistics or document success stories under the current system? Would that fit their narrative?

7) A Wish List

- I do believe that compliance monitoring, done correctly, should be the cornerstone of any plan moving forward. It should either catch (and punish) bad actors, keep people honest, or maybe show compliance is better than what some people think. This is a win-win-win. It needs to be done by professionals who understand what they're seeing. Expectations for people and equipment must be reasonable. Monitoring can't become overly time-consuming, burdensome, or morph into harassment unless someone has really earned it.
- Respect the science. The testing that's been done so far is useful, and it clearly shows some localized problems. But it's not random or necessarily representative any particular area or the whole county. We also lack baseline information (as far as I know) on what levels of contamination were present before the "proliferation of CAFO's". Anecdotally, we've had problems in the same localities for many decades. I think we can still use the testing and overlay it with soil maps (I hope to) to concentrate monitoring efforts. We also need to enlist the help of UW Extension/Discovery Farms to study these soils and develop better management. Also use UWSP's Center for Watershed Science and their data and compare to soil maps here and other areas to gain perspective on Kewaunee County's situation. I have bias, same as anyone else, but when I consider the above I don't understand how people see a county-wide catastrophe or a "massive regulatory failure", unless that's what you want to see. We can work the problems and solve them.
- Let's all acknowledge the process of CAFO permitting and NM Planning about striking a balance between protecting the environment and growing the ag sector. Agriculture, like anything humans do, has an environmental impact and that can't be erased. We're feeding people. It's an essential cause. The stated goal of the work groups is to have a thriving environment and ag sector.
- Don't let this process be dominated by individuals or entities with a different goal. Just because the complaints and lawsuits haven't resulted in a moratorium, expansion caps, permit rejections when standards are met, or more punitive measures against farms, doesn't mean we need to throw out the whole system or agency. Nor does it make appropriate their appeals to higher authorities to try to get their way. If EPA can contribute to the research process, financially or otherwise, fantastic. In terms of policy, we can handle it in Wisconsin. We all know how.