

## Permit Fact Sheet

### General Information

Permit Number	WI-0067489-01-0
Permittee Name and Address	Benitz Farms, LLC W1961 265th Ave, Maiden Rock, WI 54750
Permitted Facility Name and Address	Benitz Farms, LLC W1961 265th Ave, Maiden Rock
Permit Term	August 01, 2025 to July 31, 2030
Discharge Location	Town of Union, Pierce County
Receiving Water	Unnamed Tributary to Plum Creek
Stream Classification	Intermittent
Discharge Type	Existing Source

Animal Units					
Animal Type	Current AU		Proposed AU (Note: If all zeroes, expansions are not expected during permit term)		
	Mixed	Individual	Mixed	Individual	Date of Proposed Expansion
Dairy Calves (under 400 lbs.)	10	0	0	0	
Milking and Dry Cows	1302	1330	0	0	
Heifers (800 lbs. to 1200 lbs.)	55	50	0	0	
Total	1367	1330	0	0	

### Facility Description

Benitz Farms, LLC, is a dairy operation located in Union Township in Pierce County applying for a first-time Concentrated Animal Feeding Operation (CAFO) permit. The dairy is owned and operated by the Benitz Family (Jim, Pam, Tom, and Tim), operating with approximately 930 milking/dry cows, 50 heifers, and 50 calves (~ 1,367 animal units). Based on current animal numbers, the Department of Natural Resources is requiring the dairy to obtain a CAFO permit. The dairy is not proposing to expand their herd size during the proposed five-year permit term.

The dairy currently has one manure storage structure (Pit-1) used to store manure and process wastewater generated at the site. A second manure storage structure is proposed to be constructed to meet manure storage required for CAFO permit holders.

### Substantial Compliance Determination

This operation is not yet regulated under a WPDES CAFO permit; therefore, a substantial compliance determination is not required.

#### **Enforcement History:**

On December 15, 2022, the department issued Benitz Farms a Notice of Noncompliance for operating as a CAFO over 1,000 animal units without a permit. According to ch. NR 243 Wis. Admin. Code a facility defined as a CAFO is required to obtain a WPDES CAFO permit. Benitz Farms is being required to obtain a CAFO permit and has taken the necessary steps to comply with this enforcement action.

<b>Sample Point Designation for Animal Waste</b>		
<b>Sample Point Number</b>	<b>Sample Point Location, Waste Type/Sample Contents and Treatment Description (as applicable)</b>	
001	Pit-1: Sample point 001 is for liquid waste stored in waste storage facility 1 (Pit-1). Pit-1 is a clay-lined storage structure with a concrete floor. The structure has a maximum operating level capacity of approximately 3.02 million gallons and was constructed in 2013. Representative manure samples shall be taken in accordance to permit requirements.	
002	Pit-2: Sample point 002 is for liquid waste stored in waste storage facility 2 “Pit-2”. Pit-2 is a proposed concrete-lined above ground storage structure, to be located east of WSF-1. The structure has a designed maximum operating level capacity of approximately 4.7 million gallons, with a planned construction year of 2026. Once constructed, representative manure samples shall be taken in accordance to permit requirements.	
003	Pit Solids: Sample point 003 is for settled solids and manure laden sand removed from any waste storage facility included in this permit. Representative manure samples shall be taken in accordance to permit requirements.	
004	Miscellaneous Solids: Sample point 004 is for solid waste sources that are directly land applied and not stored in a waste storage facility. This includes solid sources such as maternity pen pack, calf bedding, frozen liquid manure, waste feed, etc. Representative samples shall be taken for each solid waste source type.	
005	Feed Pad & Runoff Systems: Sample point 005 is for visual monitoring & inspection of the feed pad and associated runoff systems. Proper operation and maintenance are required to prevent unlawful discharges to waters of the state. Weekly inspections are required and shall be recorded according to the operation’s monitoring program.	
006	Storm Water Conveyance Systems: Sample point 006 is for weekly visual monitoring and inspection of all production site storm water conveyance systems. This includes drain tile systems, grassed stormwater channels, and other diversion systems that are meant to transport uncontaminated storm water off site. Proper operation and maintenance are required to keep uncontaminated runoff diverted away from manure and other raw materials.	

## **1 Livestock Operations - Proposed Operation and Management**

### **Production Area Discharge Limitations**

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

### **Runoff Control**

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

### **Manure and Process Wastewater Storage**

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

The permittee currently has approximately 93 days of storage for liquid manure and process wastewater. After the construction of Pit-2, the permittee will have approximately 223 days of storage. The permittee must maintain 180 days of storage, unless temporary reductions in required storage are approved by the Department.

### **Ancillary Service and Storage Areas**

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

### **Nutrient Management**

With 930 cows, 50 heifers, and 50 calves, it is estimated that approximately 12.5 million gallons of manure and process wastewater will be produced per year. Benitz Farms has a total of 1,392.6 acres of cropland in their approved five-year nutrient management plan. Of these acres, approximately 189.9 acres are owned, and 1,202.7 acres are controlled through land agreements.

The permit requires all landspreading of manure and process wastewater be completed in accordance with an approved nutrient management plan. The permit will require sampling and analysis of manure and process wastewater that will be landspread. Landspreading rates must be adjusted based on sample analysis. The permit requires the permittee to maintain a daily log that documents landspreading activities. The permit also requires the submittal of an annual report that summarizes all landspreading activities. Plans must be updated annually to reflect cropping plans and other operational changes. Among the requirements, the plans must include detailed landspreading information including field by field nutrient budgets.

The permittee is required to implement a number of practices to address potential water quality impacts associated with the land application of manure and process wastewater. Among the permit conditions are restrictions on manure ponding, restrictions on runoff of manure and process wastewater from cropped fields, and setbacks from wells and direct conduits

to groundwater (e.g., sinkholes, fractured bedrock at the surface). In addition, the permittee must implement a phosphorus based nutrient management plan that addresses phosphorus delivery to surface waters by basing manure and process wastewater applications on soil test phosphorus levels or the Wisconsin Phosphorus index. Additional phosphorus application restrictions apply to fields that are high in soil test phosphorus (>100 ppm).

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

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

## Monitoring and Sampling Requirements

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

## Sampling Points

The permit identifies the different sources of land applied materials (e.g., manure storage facilities, milking centers, egg-washing facilities) as “Sampling Points.” For these Sampling Points, the permittee is required to sample and analyze the different sources for nutrients and other parameters which serve as the basis for determining rates of application for these materials. Other areas are also identified as Sampling Points as a means of identifying them as areas requiring action by the permittee, such as an upgrade or evaluation of a certain system or structure (e.g., runoff control systems), even though sampling is not actually required.

### 1.1 Sample Point Number: 001- Pit-1; 002- Pit-2

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

#### 1.1.1 Changes from Previous Permit

N/A. This is the farm's first permit.

### 1.1.2 Explanation of Operation and Management Requirements

Sampling frequencies and testing requirements included for liquid manure are consistent with standard CAFO protocol.

## 1.2 Sample Point Number: 003- Pit Solids; 004- Miscellaneous Solids

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

### 1.2.1 Changes from Previous Permit

N/A. This is the farm's first permit.

### 1.2.2 Explanation of Operation and Management Requirements

Sampling frequencies and testing requirements included for solid manure are consistent with standard CAFO protocol.

## 1.3 Sample Point Number: 005- Feed Pad & Runoff System and 006- Stormwater Conveyance Systems

### 1.3.1 Changes from Previous Permit

N/A. This is the farm's first permit.

### 1.3.2 Explanation of Operation and Management Requirements

The farm will now be required to routinely inspect feed pad runoff and stormwater control systems. Outcomings of these activities, including corrective actions, will be included in the farm's Annual Report.

## 2 Schedules

### 2.1 Emergency Response Plan

Required Action	Due Date
Develop Emergency Response Plan: Develop a written Emergency Response Plan within 30 days of permit coverage, available to the Department upon request.	08/30/2025

## 2.2 Explanation of Schedules

This item is consistent with standard CAFO permit schedule protocol.

## 2.3 Monitoring & Inspection Program

Required Action	Due Date
Proposed Monitoring and Inspection Program: Consistent with the Monitoring and Sampling Requirements subsection, the permittee shall submit a proposed monitoring and inspection program within 30 days of the effective date of this permit.	08/30/2025

## 2.4 Explanation of Schedules

This item is consistent with standard CAFO permit schedule protocol.

## 2.5 Annual Reports

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

Required Action	Due Date
Submit Annual Report #1: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department from 3400-025E.	01/31/2026
Submit Annual Report #2: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department from 3400-025E.	01/31/2027
Submit Annual Report #3: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department from 3400-025E.	01/31/2028
Submit Annual Report #4: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department from 3400-025E.	01/31/2029
Submit Annual Report #5: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department from 3400-025E.	01/31/2030
Ongoing Annual Reports: Continue to submit Annual Reports until permit reissuance has been completed.	

## 2.6 Explanation of Schedules

This item is consistent with standard CAFO permit schedule protocol.

## 2.7 Nutrient Management Plan

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

Required Action	Due Date
Submit NMP Update #1: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2026
Submit NMP Update #2: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2027
Submit NMP Update #3: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2028
Submit NMP Update #4: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2029
Submit NMP Update #5: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2030
Ongoing Management Plan Annual Updates: Continue to submit Annual Updates to the Nutrient Management Plan until permit reissuance has been completed.	

## 2.8 Explanation of Schedules

This item is consistent with standard CAFO permit schedule protocol.

## 2.9 Manure Storage - Attain 180 Day Liquid Manure Storage

Required Action	Due Date
Additional Manure Storage: The operation shall attain the permit required minimum 180-days of manure storage. Note, the use of offsite storage will need department approval prior to use.	10/30/2025

## 2.10 Explanation of Schedules

Item is included to ensure the farm has proper storage during frozen or winter field conditions.

## 2.11 Manure Storage Facility - Installation

Required Action	Due Date
Complete Installation: Complete construction of Pit-2, included in the department approved engineering plans under project R-2024-0256. The structure shall be functional and in operation by the specified Date Due. Post construction documentation shall be submitted within 60 days of completion of the project.	11/30/2026

## 2.12 Explanation of Schedules

Item is included to reflect the construction of Pit-2.

## 2.13 Manure Storage Facility - Engineering Evaluation

This item pertains to Pit-1.

Required Action	Due Date
Written Report: Submit a written report evaluating the existing manure storage facility's ability to meet the conditions in the Production Area Discharge Limitations and Manure and Process Wastewater Storage subsections and s. NR 243.15, Wis. Adm. Code. (See Standard Requirements for report details.)	06/01/2026
Plans and Specifications: Submit plans and specifications for Department review and approval in accordance with Chapter 281.41, Wis. Stats., and Chapter NR 243, Wis. Adm. Code, to permanently correct any adverse manure storage conditions.	01/31/2027
Corrections and Post Construction Documentation: Complete construction on the manure storage facility that permanently corrects any adverse conditions in concurrence with and approval by the Department, by the specified Date Due. Submit post construction documentation within 60 days of completion of the project.	10/30/2027

## 2.14 Explanation of Schedules

This item is included to ensure Pit-1 meets all engineering and permit requirements.

## 2.15 Feed Storage - Engineering Evaluation

Required Action	Due Date
Interim Runoff Controls - Installation: Interim runoff controls will need to be in place by the first day of permit coverage to comply with permit pollutant discharge limitations.	08/01/2025
Written Description of Existing System: Submit an engineering evaluation that includes a written description of the existing feed storage area and its adequacy to meet the conditions found in the Production Area Discharge Limitations subsection and NR 243.15, Wis. Adm. Code.	06/01/2026
Plans and Specifications: Submit plans and specifications for Department review and approval to permanently correct any adverse conditions identified as part of the engineering evaluation for the feed storage area in accordance with Chapter 281.41, Wis. Stats., and Chapter NR 243, Wis. Adm. Code.	01/31/2027
Corrections and Post Construction Documentation: Complete construction of improvements to permanently correct any adverse conditions in concurrence with and approval by the Department, by the specified Date Due. Submit post construction documentation within 60 days of completion of the project.	10/30/2027



## 2.16 Explanation of Schedules

Item is included to ensure the feed pad and runoff controls meet engineering and permit requirements.

## 2.17 Submit Permit Reissuance Application

Required Action	Due Date
Reissuance Application: Submit a complete permit reissuance application 180 days prior to permit expiration.	02/01/2030

## 2.18 Explanation of Schedules

It is standard to have a permit reissuance application due 180-days prior to the existing permit expiring.

## Other Comments

No additional comments.

## Attachments

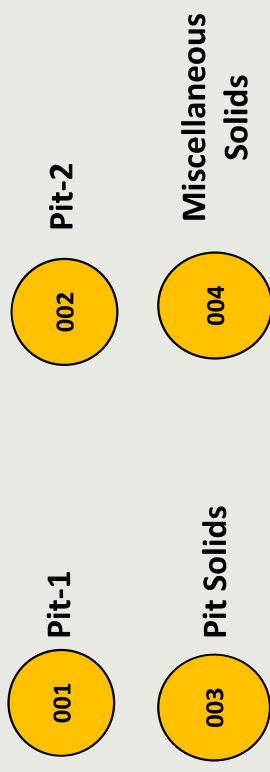
- Nutrient Management Plan Approval Letter
- Sample Point Map

Prepared By: Jeff Jackson    Agricultural Runoff Management Specialist

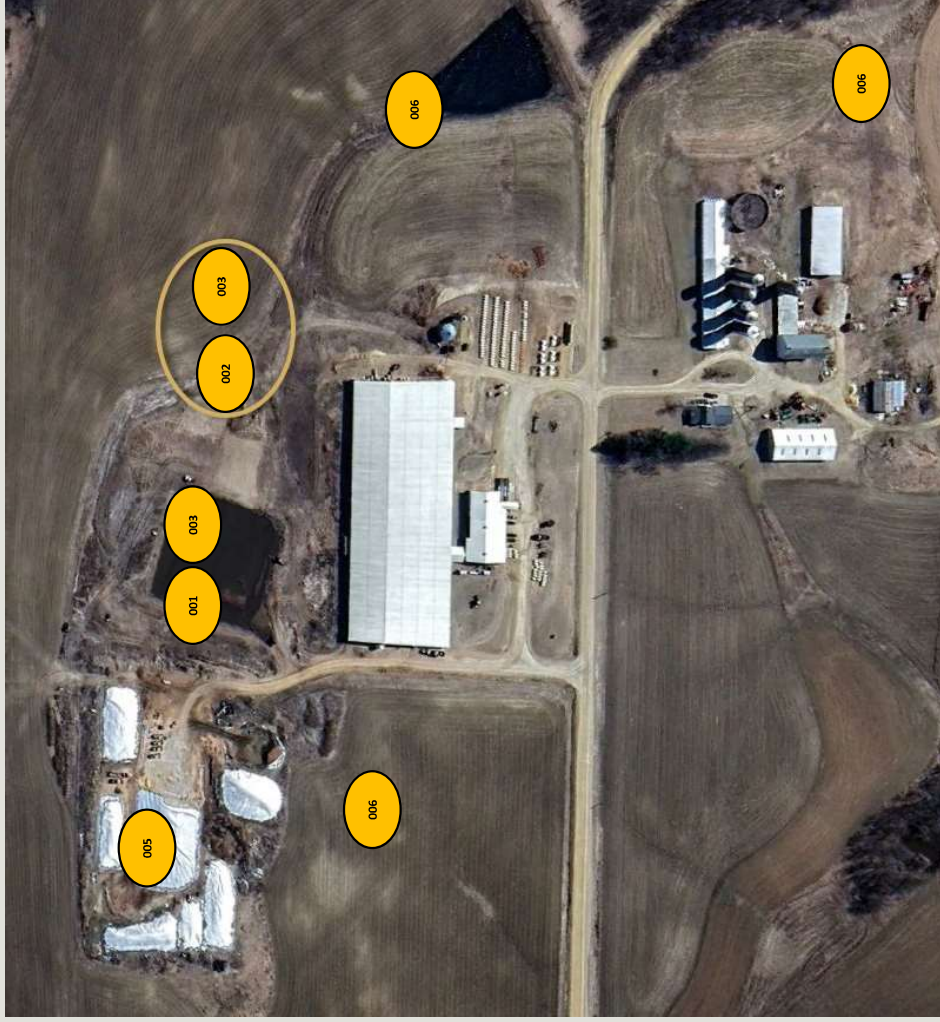
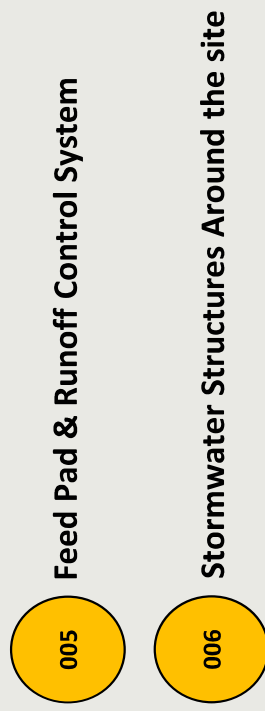
Date: May 5, 2025

## Benitz Farms, LLC Sample Point Site Map

### Sample Points – Waste Materials



### Monitoring Points – Runoff Controls





November 11, 2024

Pierce County  
Approval

Tom Benitz  
Benitz Farms, LLC  
W1961 265<sup>th</sup> Ave.  
Maiden Rock, WI 54750

SUBJECT: Conditional Approval of Benitz Farms, LLC Nutrient Management Plan, WPDES Permit  
No. 0067489-01-0

Dear Mr. Benitz:

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

Before applying manure onto approved fields each season, the Department recommends Benitz Farms, LLC review the NMP with those individuals involved with manure applications to ensure all remain familiar with the approved manure spreading protocol, spreading maps, field and map verification, record keeping requirements, and all the conditions of this approval. Specifically, some fields in Benitz Farms, LLC may have:

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

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

### FINDINGS OF FACT

The Department confirms that:

1. A current dairy herd size of 1,367 animal units (930 milking & dry cows, 50 heifers, and 50 calves). Currently there are no planned expansions in the next permit term.
2. Manure generation and spreading records indicate your herd will annually generate approximately 10,500,000 gallons of manure and process wastewater and 119 tons of solid manure in the first year of the permit term. An additional 2,000,000 gallons of process wastewater will be collected starting in 2025 after additional leachate collection systems are installed, totaling 12,500,00 gallons of manure and process wastewater.
3. The use of application restriction options 1 and 5 within surface water quality management areas.
4. The use of phosphorus delivery method P Index.

5. That Benitz Farms, LLC currently has 1,392.6 acres (189.9 owned and 1,202.7 controlled through contracts, rental agreements or leases, or under manure agreements) of which 1,351.1 are spreadable acres.
6. That no fields are directly adjacent to or have high potential to deliver nutrients and sediment to a 303(d) impaired water.
7. That no fields are directly adjacent to or have high potential to deliver nutrients and sediment to outstanding/exceptional waters.
8. That no fields are tiled.
9. That all fields will be checked for the following features prior to/during manure or process wastewater applications: soil areas with possible shallow groundwater (i.e., within 24 inches of surface) at the time of manure application; required setbacks associated with wells, navigable waters, conduits to navigable waters, grassed waterways, wetlands, possible soil erosion/flow channels.
10. That surface applications of manure will not be completed when precipitation capable of producing runoff is forecasted within 24 hours of the time of planned application.

### **CONDITIONAL NUTRIENT MANAGEMENT PLAN APPROVAL**

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

#### FIELD AND MANURE MANAGEMENT

1. Fields not included in the NMP and new fields shall not receive manure or process wastewater applications until they have been properly soil sampled, entered into Snap Plus, evaluated for their nutrient needs, and approved by the Department.
2. The following fields are prohibited from receiving applications of manure or process wastewater:
 

<ul style="list-style-type: none"> <li>- H-21 (does not meet P Index)</li> <li>- H-14 (&gt;200ppm P)</li> <li>- H-20 (&gt;200ppm P)</li> <li>- TR-02 (&gt;200ppm P)</li> </ul>	<ul style="list-style-type: none"> <li>- H-22 (does not meet P Index)</li> <li>- H-15 (&gt;200ppm P)</li> <li>- H-21 (&gt;200ppm P)</li> </ul>	<ul style="list-style-type: none"> <li>- H-08 (&gt;200ppm P)</li> <li>- H-19 (&gt;200ppm P)</li> <li>- H-36 (&gt;200ppm P)</li> </ul>
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If Benitz Farms, LLC wishes to use these fields for applications of manure or process wastewater all necessary information shall be submitted to the Department prior to application to demonstrate compliance with NR 243 and other applicable codes. Written Department approval amending this condition approval must be received prior to application.

3. If existing fields yield a soil test results equal to or greater than 200 ppm P, those fields would be prohibited from receiving manure or process wastewater applications, unless you obtain Department approval in accordance with NR 243.14(5)(b)2., Wis. Adm. Code.
4. All liquid manure samples collected may be analyzed, at a minimum, for percent dry matter, total nitrogen, percent  $\text{NH}_4\text{-N}$ , percent  $\text{NO}_3\text{-N}$ , phosphorus, potassium, and sulfur.
5. If manure sample results have a dry matter (DM) content less than 2.0% and the percent ammonium ( $\text{NH}_4^+$ ) is greater than 75% of the total N, Benitz Farms, LLC may use the following equation to adjust the first year available nitrogen when applications are injected or incorporated within 1 hour:

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

6. Benitz Farms, LLC shall record daily manure applications by using form 3200-123A. These forms shall be retained at the farm and provided to the department upon request.
7. Benitz Farms, LLC shall annually submit a spreading report that summarizes the land application activities listed under NR 243.19(3)(c)5., Wis. Adm. Code by using form 3200-123.

#### WINTER SPREADING

8. Liquid manure applications during winter conditions, as defined by NR 243.14(7), Wis. Adm. Code, are prohibited with the exception of emergency applications.
9. The following field(s) are approved for winter spreading solid manure, emergency applications of liquid manure and frozen liquid manure:
 

- TR-09B	- T-01	- LE-W-03
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10. The following field(s) are denied for winter spreading solid manure, emergency applications of liquid manure and frozen liquid manure:
 

- LE-E-02 (lack of acres without slope verification)	- LE-W-01 (lack of acres without slope verification)	- V-06 (lack of acres without slope verification)
- L-2H (lack of acres without slope verification)	- L2KLM (lack of acres without slope verification)	- VH-03 (lack of acres without slope verification)
11. Winter spreading of solid and liquid manure may not occur during the “high risk runoff period” pursuant to s. NR 243.14(6)(c) and NR 243.14(7)(c), respectively.
12. Winter applications of liquid manure shall only occur under emergency situations, after notifying the Department and receiving verbal approval.
13. Liquid applications shall be limited to 3,500 gallons per acre or 30 lbs. P per acre, whichever is less, on slopes 2-6% and 7,000 gallons per acre or 60 lbs. P per acre, whichever is less, on slopes 0-2%. Winter applications of solid manure shall be limited to 60 lbs. P per acre.

#### HEADLAND STACKING

14. No headland stacking sites are approved.

#### MANURE & PROCESS WASTEWATER IRRIGATION

15. Irrigation of manure or process wastewater is prohibited.

#### SUBMITAL AND RECORDKEEPING REQUIREMENTS

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

## CONSIDERATIONS

17. The ration of acreage to animal units is very close to 1:1. It is recommended that this ration not exceed the 1:1 animal unit to acreage ratio. Benitz Farms LLC should consider adding acreage to the NMP to better manage manure and process wastewater and avoid building of soil test P beyond optimal levels. This also allows for easier drawdown of P on fields with high soil test P.
18. Two field in the NMP do not meet the P Index requirements. It is recommended that these fields return to compliance as soon as possible since not meeting the P Index requirements largely increases the risk of runoff of P to surface waters.

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

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

If you have any questions regarding this approval I can be reached at 715-214-5503 or [Aaron.Orourke@Wisconsin.gov](mailto:Aaron.Orourke@Wisconsin.gov).

Sincerely,



Aaron O'Rourke  
WDNR Nutrient Management Program Coordinator  
Wisconsin Department of Natural Resources

cc: Jeff Jackson, WDNR Agricultural Runoff Specialist ([Jeffery.Jackson@Wisconsin.gov](mailto:Jeffery.Jackson@Wisconsin.gov))  
Brad Johnson, WDNR Watershed Field Supervisor ([BradleyA.Johnson@Wisconsin.gov](mailto:BradleyA.Johnson@Wisconsin.gov))  
Chris Clayton, WDNR Ag Runoff Section Chief ([Christopherr.Clayton@Wisconsin.gov](mailto:Christopherr.Clayton@Wisconsin.gov))  
Ashley Scheel, WDNR CAFO NMP Reviewer ([Ashley.Scheel@Wisconsin.gov](mailto:Ashley.Scheel@Wisconsin.gov))  
Falon French, WDNR Intake Specialist ([Falon.French@Wisconsin.gov](mailto:Falon.French@Wisconsin.gov))  
John Krauss, Pierce County ([krauss@co.pierce.wi.us](mailto:krauss@co.pierce.wi.us))  
Abby Rotering, Blacks Valley Ag ([abby@blacksvallayag.com](mailto:abby@blacksvallayag.com))  
File