Permit Fact Sheet

General Information

Permit Number	WI-0062235-05-0
Permittee Name and Address	Ebert Enterprises LLC N6939 Cty Hwy D Algoma, WI 54201
Permitted Facility Name and Address	Home Farm- N6939 County Road D, Algoma, WI 54201 Tonet Dairy- N7521 Tonet Rd, Luxemburg, WI 54217 Tonet Dairy- N7518 Tonet Rd, Luxemburg, WI 54217 Longfellow Farm- N6388 Longfellow Road, Algoma, WI 54201 K Farm- 5083 County Road K, Algoma, WI 54201 S Farm- E5639 County Rd S, Algoma, WI 54201
Permit Term	August 01, 2026 to July 31, 2031
Receiving Water	Unnamed tributaries within the Ahnapee River Watershed, and groundwaters of the state.
Discharge Type	Existing source CAFO per NR 243.03(23) as the facility has been permitted since 2002.

Animal Units					
	Current AU		**Proposed AU** **(Note: If all zeroes, expansions are not expected during permit term)**		
Animal Type	**Mixed**	**Individual**	**Mixed**	**Individual**	**Date of Proposed Expansion**
Dairy Calves (under 400 lbs.)	328	0	0	0	
Milking and Dry Cows	9328	9528	0	0	
Heifers (400 lbs. to 800 lbs.)	829	1381	0	0	
Heifers (800 lbs. to 1200 lbs.)	2247	2043	0	0	
Steers or Cows (400 lbs. to market)	902	902	0	0	
Total	13634	9528	0	0	

Facility Description

Ebert Enterprises LLC is an existing Concentrated Animal Feeding Operation (CAFO) located in the Township of Pierce in Kewaunee County. Ebert Enterprises LLC consists of 5 production areas: Home Farm, Tonet Dairy, Longfellow Farm, K Farm, and S Farm. Ebert Enterprises LLC is owned and operated by the Ebert Family. The Home Farm is located at N6939 County Highway D, Algoma, WI 54201. The Home Farm consists of six freestall barns, one dry cow barn, one heifer barn, six calf barns, two feed storage areas, two stormwater ponds, four liquid waste storage facility, one

separation building, one commodity shed, one solid waste storage facility, several machine sheds, and one vegetated treatment area. The K Farm is located at E5083 County Rd K, Algoma, WI 54201. The K Farm consists of several animal barns and associated outdoor concrete lots, one solid manure stacking area, and one liquid waste storage facility. The Longfellow Farm is located at N6388 Longfellow Rd, Algoma, WI 54201. The Longfellow Farm consists of two liquid waste storage facilities, one feed storage area, two outdoor concrete barnyards, and several animal barns. The S Farm is located at E5639 County Rd S, Algoma, WI 54201. The S Farm consists of two liquid waste storage facilities and two barns that are used for straw storage. No animals are housed at the S Farm.

During the next permit term, Ebert Enterprises LLC Tonet Dairy WPDES Permit WI-0062235-05-0 will be combined with Ebert Enterprises LLC WPDES Permit. Tonet Dairy is located at N7518 and N7521 Tonet Rd, Luxemburg, WI 54217. Tonet Dairy consists of two production sites that are separated by Tonet Rd. The West Production Site is located at N7521 Tonet Rd, Luxemburg, WI 54217. The West Production Site consists of two freestall barns, one milking parlor, and two liquid waste storage facilities. The East Production Site is located at N7518 Tonet Rd, Luxemburg, WI 54217. The East production site consists of one feed storage area, one outdoor concrete feedlot, one barn, one milking parlor, one solid manure stacking pad, and one liquid waste storage facility.

The current herd size is 13,634 animal units (6,663 milking & dry cows, 3,424 heifers, 1,641 calves, and 902 steers). At this time, there is no herd expansion planned. Ebert Enterprises LLC will produce approximately 106.6 million gallons of manure and process wastewater and 37 thousand tons of solid waste each year. As of July 11, 2025, Ebert Enterprises LLC has 227 days of liquid manure storage. Ebert Enterprises LLC owns and rents approximately 13,494 acres of cropland, of which 12,802 are available for manure application.

Substantial Compliance Determination

Enforcement During Last Permit:

The following enforcement occurred over the previous permit term:

A notice of violation was sent to Ebert Enterprises LLC on October 12, 2022 for failure to adhere to permit sections 1.1 Production Area Discharge Limitations, 1.8 Sample Point (s), 3.1.12 Planned Changes, 3.1.13 Submittal of Plans and Specifications, and 1.3.2 Proper Operation and Maintenance. Ebert Enterprises LLC completed all required actions and was sent a notice of violation closeout letter on February 28, 2024.

A notice of noncompliance was sent to Ebert Enterprises LLC on October 5, 2023 for failure to adhere to permit section 1.6 Nutrient Management. Ebert Enterprises submitted update restriction maps. The Department reviewed the maps and determined they met permit requirements.

A notice of violation was sent to Ebert Enterprises LLC on November 11, 2024 for failure to adhere to permit sections 1.3.2 Proper Operation and Maintenance and 1.6.1 General Spreading Restrictions. Ebert Enterprises LLC completed all required actions and was sent a notice of violation closeout letter on February 3, 2025.

After a desk top review of annual reports, nutrient management plan updates, compliance schedule items, and a site visit on October 8, 2024, this facility has been found to be in substantial compliance with their current permit.

Sample Point Descriptions

Sample Point Designation For Animal Waste		
Sample Point Number	**Sample Point Location, Waste Type/Sample Contents and Treatment Description (as applicable)**	
002	HWSF 1: Sample point 002 is for liquid waste storage facility 1 (HWSF 1) located at the Home Farm. HWSF 1 is a concrete lined waste storage located southeast of HWSF 2. The facility has a MOL capacity of approximately 1.5 million gallons and was constructed in 2002. This storage accepts manure and process wastewater from the Home Farm. HWSF 1 will require an engineering evaluation, see Schedules section for due dates.	
003	HWSF 2: Sample point 003 is for liquid waste storage facility 2 (HWSF 2) located at the Home Farm. HWSF 2 is a concrete lined waste storage located between HWSF 1 and HWSF 3. The facility has a MOL capacity of approximately 5.7 million gallons and was constructed in 2006. This storage accepts manure and process wastewater from the Home Farm. Plans and specifications for modifications to HWSF 2 were approved by the Department on August 27, 2024.	
004	HWSF 3: Sample point 004 is for liquid waste storage facility 3 (HWSF 3) located at the Home Farm. HWSF 3 is a concrete lined waste storage located west of HWSF 1 and HWSF 2. The facility has a MOL capacity of approximately 8.5 million gallons and was constructed in 2011. This storage accepts manure and process wastewater from the Home Farm. Plans and specifications for modifications to HWSF 3 were approved by the Department on August 27, 2024.	
020	HWSF 4: Sample point 020 is for the leachate management pond (HWSF 4) located at the Home Farm. HWSF 4 is a concrete lined storage located west of HWSF 3. The facility has a MOL capacity of approximately 3.7 million gallons and was constructed in 2018. This storage accepts manure and process wastewater from the northern FSA at the Home Farm. HWSF 4 was constructed in 2018 with department approval.	
024	TWSF 1: Sample point 024 is for liquid waste storage facility 1 (TWSF 1) located at Tonet Dairy. TWSF 1 is an in place earthen storage located west of TWSF 2. The facility has a MOL capacity of approximately 5.7 million gallons and was constructed in 2002. This storage accepts manure and process wastewater from the freestall barns and milking parlor on the west side of Tonet Dairy. TWSF 1 was evaluated in 2025 and met permit requirements.	
025	TWSF 2: Sample point 025 is for liquid waste storage facility 2 (TWSF 2) located at Tonet Dairy. TWSF 2 is an in place earthen storage located east of TWSF 1. The facility has a MOL capacity of approximately 11.3 million gallons and was constructed in 2002. This storage accepts manure and process wastewater from the freestall barns and milking parlor on the west side of Tonet Dairy. TWSF 2 was evaluated in 2025 and met permit requirements.	
026	TWSF 3: Sample point 026 is for liquid waste storage facility 3 (TWSF 3) located at Tonet Dairy. TWSF 3 is a three-stage in-place earthen storage located east of the feed storage area. The facility has a MOL capacity of approximately 6.9 million gallons and was modified in 2001. This storage accepts manure and process wastewater from the feed storage area and barns on the east side of Tonet Dairy. TWSF 3 was last evaluated in 2022 and met permit requirements.	
021	LWSF 1: Sample point 021 is for liquid waste storage facility 1 (LWSF 1) located at the Longfellow Farm. LWSF 1 is a concrete lined storage located north of the feed storage area. The facility has a MOL capacity of approximately 16 million gallons. This storage accepts manure and process wastewater from the concrete barnyards and barns at the Longfellow Farm. LWSF 1 was upgraded in 2020 with Department approval.	

Sample Point Designation For Animal Waste		
Sample Point Number	**Sample Point Location, Waste Type/Sample Contents and Treatment Description (as applicable)**	
022	LWSF 2: Sample point 022 is for liquid waste storage facility 2 (LWSF 2) located at the Longfellow Farm. LWSF 2 is a concrete lined storage located southeast of LWSF 1. The facility has a MOL capacity of approximately 3.2 million gallons and was constructed in 2020. This storage accepts process wastewater from the feed storage area at the Longfellow Farm. LWSF 2 was upgraded in 2020 with Department approval.	
012	KWSF 1: Sample point 012 is for liquid waste storage facility 1 (KWSF 1) located at the K Farm. KWSF 1 is a concrete lined waste storage located on the west side of the production site. The facility has a MOL capacity of approximately 1.1 million gallons and was constructed in 2013. This storage accepts manure and process wastewater from the outdoor feedlots and barns at the K Farm. KWSF 1 has not been evaluated since the time of construction.	
018	SWSF 1: Sample point 018 is for liquid waste storage facility 1 (SWSF 1) located at the S Farm. SWSF 1 is an in-place earthen storage located east of SWSF 2. The facility has a MOL capacity of approximately 118,000 gallons and was constructed in 1981. This storage accepts manure and process wastewater from the Home Farm. SWSF 1 was last evaluated in 2016 and met permit requirements.	
019	SWSF 2: Sample point 019 is for liquid waste storage facility 2 (SWSF 2) located at the S Farm. SWSF 2 is an in-place earthen storage located west of SWSF 1. The facility has a MOL capacity of approximately 1.2 million gallons and was constructed in 2004. This storage accepts manure and process wastewater from the Home Farm. SWSF 2 was last evaluated in 2016 and met permit requirements.	
005	Separated Sand: Sample point 005 is for separated sand located at the Home Farm. These are typically reused as bedding and stored in stacking area. Separated solids may also be distributed to another party according to Department approval and Distribution of Manure and Process Wastewater section of permit.	
031	HWSF 5: Sample point 031 is for solid waste storage facility 5 (HWSF 5) located at the Home Farm. HWSF 5 is a concrete lined waste storage facility located south of HWSF 2. The facility is 90 ft x 170 ft and was constructed in 2025. This storage accepts solid manure and bedpack from the Home Farm. HWSF 5 was constructed in 2025 with Department approval.	
027	TWSF 4: Sample point 027 is for solid waste storage facility 4 (TWSF 4) located at Tonet Dairy. TWSF 6 is a concrete stacking pad located southeast of the feed storage area on the east side of the production site. The facility has a capacity of 300 tons and was constructed in 2012. This storage solid manure and bedpack from Tonet Dairy. TWSF 4 was constructed in 2012 with Department approval.	
006	K Farm Solid Manure: Sample point 006 is for solid manure stored in the concrete stacking area directly adjacent to liquid waste storage facility 1 (KWSF1) at the K Farm. The solid manure is directly land applied and not stored in a waste storage facility. This includes solid sources such as calf hutch manure, maternity pen bedpack, heifer bedpack, steer manure, etc. Representative samples shall be taken for each manure source type.	
007	Misc Solid Manure: Sample point 007 is for solid manure sources that are directly land applied and not stored in a waste storage facility. This includes solid sources such as calf hutch manure, maternity pen bedpack, heifer bedpack, steer manure, etc. Representative samples shall be taken for each manure source type.	
008	Headland Stacking Sites: Sample point 008 is for solid manure stacked in approved headland stacking locations. Representative samples shall be taken of this manure prior to land application. Note: Headland	

Sample Point Designation For Animal Waste		
Sample Point Number	**Sample Point Location, Waste Type/Sample Contents and Treatment Description (as applicable)**	
	stacking sites are subject to production site discharge limitations; weekly visual monitoring is required during use of stacking sites to ensure discharges meet permit requirements.	
009	Home Farm Southern FSA: Sample point 009 is for visual monitoring and inspection of the southern feed storage area and associated runoff control system located at the Home Farm. Proper operation and maintenance are required to ensure discharges meet permit requirements. Weekly inspections are required and shall be recorded according to monitoring program.	
017	Home Farm Northern FSA: Sample point 017 is for visual monitoring and inspection of the northern feed storage area and associated runoff control system located at the Home Farm. Proper operation and maintenance are required to ensure discharges meet permit requirements. Weekly inspections are required and shall be recorded according to monitoring program.	
028	Tonet Dairy FSA: Sample point 028 is for visual monitoring and inspection of the feed storage area and associated runoff control system located at Tonet Dairy. Proper operation and maintenance are required to ensure discharges meet permit requirements. Weekly inspections are required and shall be recorded according to monitoring program.	
029	Tonet Dairy Concrete Feedlot: Sample point 029 is for visual monitoring and inspection of the concrete feedlot and associated runoff control system located at Tonet Dairy. Feedlot runoff gravity flows into TWSF 1. Proper operation and maintenance are required to ensure discharges meet permit requirements. Weekly inspections are required and shall be recorded according to monitoring program.	
015	Longfellow Farm FSA: Sample point 015 is for visual monitoring and inspection of the feed storage area and associated runoff control system located at the Longfellow Farm. Proper operation and maintenance are required to ensure discharges meet permit requirements. Weekly inspections are required and shall be recorded according to monitoring program.	
016	Longfellow Outdoor Lots: Sample point 016 is for visual monitoring and inspection of the concrete feedlots and associated runoff control system located at the Longfellow Farm. Feedlot runoff is pumped into waste storage facility 8. Proper operation and maintenance are required to ensure discharges meet permit requirements. Weekly inspections are required and shall be recorded according to monitoring program.	
010	K Farm Concrete Outdoor Lots: Sample point 010 is for visual monitoring and inspection of the concrete feedlot and associated runoff control system located at the K Farm. Feedlot runoff is pumped into the K Farm WSF 1. Proper operation and maintenance are required to ensure discharges meet permit requirements. Weekly inspections are required and shall be recorded according to monitoring program.	
030	Storm Water Conveyance: Sample point 030 is for visual monitoring and inspection of all production site storm water conveyance systems. This includes roof gutter and downspout structures, drainage tile systems, grassed waterways and other diversion systems that transport uncontaminated storm water. Proper operation and maintenance are required to keep uncontaminated runoff diverted away from manure and process wastewater handling systems. Weekly inspections are required and shall be recorded according to monitoring program.	

Permit Requirements

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 227 days of storage for liquid manure. 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 13,634 animal units (6,663 milking & dry cows, 3,424 heifers, 1,641 calves, and 902 steers), it is estimated that approximately 106.6 million gallons and 37 thousand tons of manure and process wastewater will be produced per year. The permittee owns *approximately* 3,350 acres of cropland and rents about 10,144 acres. Given the rotation commonly used by the permittee, 12,802 acres are available (or open) to receive manure and process wastewater on an annual basis. The permit requires all landspreading of manure and process wastewater to 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 or 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 (≥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: 002- HWSF1; 003- HWSF 2; 004- HWSF 3; 012- KWSF1; 018- SWSF 1; 019- SWSF 2; 020- HWSF 4; 021- LWSF 1; 022- LWSF 2; 024- TWSF 1; 025- TWSF 2; 026- TWSF 3

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

Addition of sample point 024 located at Tonet Dairy, sample point 025 located at Tonet Dairy, and sample point 026 located at Tonet Dairy.

1.1.2 Explanation of Operation and Management Requirements

Liquid manure sources must be properly sampled and land applied according to the permit and nutrient management plan.

1.2 Sample Point Number: 005- Separated Sand; 006- K Farm Solid Manure; 007- Misc Solid Manure; 008- Headland Stacking Sites; 027- TWSF 4, and 031- HWSF 5

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

Addition of sample point 031 located at the Home Farm, and sample point 027 located at Tonet Dairy.

1.2.2 Explanation of Operation and Management Requirements

Solid manure sources must be properly sampled and land applied according to the permit and nutrient management plan.

1.3 Sample Point Number: 009- Home Farm Southern FSA; 010- K Farm Concrete Outdoor Lots; 015- Longfellow Farm FSA; 016- Longfellow Outdoor Lots; 017- Home Farm Northern FSA; 028- Tonet Dairy FSA; 029- Tonet Dairy Concrete Feedlot, and 030- Storm Water Conveyance

1.3.1 Changes from Previous Permit

Addition of sample points 028 and 029 located at Tonet Dairy.

1.3.2 Explanation of Operation and Management Requirements

Proper operation and maintenance are required to ensure unlawful discharges to waters of the state do not occur. Weekly or quarterly inspections are required and shall be recorded according to the monitoring plan.

2 Schedules

2.1 Emergency Response Plan

Required Action	Due Date
Develop Emergency Response Plan: Update a written Emergency Response Plan within 30 days of permit coverage and submit to the Department.	09/01/2026

2.2 Explanation of Schedules

An emergency response plan is required to be developed per s. NR 243.13(6)(a) Wis. Admin. Code.

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 60 days of the effective date of this permit.	10/01/2026

2.4 Explanation of Schedules

A monitoring and inspection program is required to be submitted per s. NR 243.19(1) Wis. Admin. Code.

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 form 3400-025E.	01/31/2027
Submit Annual Report #2: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2028
Submit Annual Report #3: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2029
Submit Annual Report #4: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2030
Submit Annual Report #5: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2031
Ongoing Annual Reports: Continue to submit Annual Reports until permit reissuance has been completed.	

2.6 Explanation of Schedules

Annual reports are required to be submitted per s. NR 243.19(3) Wis. Admin. Code.

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
Management Plan Submittal: Submit any necessary updates to the Nutrient Management Plan to meet the conditions outlined in this permit (see conditions in the Livestock Operational and Sampling Requirements section).	
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.	03/31/2027
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.	03/31/2028
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.	03/31/2029
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.	03/31/2030

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.	03/31/2031
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

Nutrient management plan updates are required to be submitted per s. NR 243.19(3)Wis. Admin. Code.

2.9 Manure Storage Facility - Engineering Evaluation

Applicable to HWSF 1 at the Home Farm. Sample point 002.

Required Action	Due Date
Written Description of Existing System: Submit a written description of the existing runoff control system and its adequacy to permanently meet the conditions in the Production Area Discharge Limitations and Runoff Control subsections and s. NR 243.15, Wis. Adm. Code. (See Standard Requirements for report details.)	07/01/2027
Plans and Specifications: Submit plans and specifications for Department review and approval to permanently correct any adverse runoff control conditions in accordance with Chapter 281.41, Wis. Stats., and Chapter NR 243, Wis. Adm. Code.	06/01/2028
Corrections and Post Construction Documentation: Complete construction of runoff controls that permanently correct any adverse runoff control 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.	12/31/2029

2.10 Explanation of Schedules

Engineering evaluation of HWSF 1 (Sample Point 002) has been included per s. NR 243.16(2) Wis. Admin. Code; WSF 1 has not been evaluated in 20 years.

2.11 Submit Permit Reissuance Application

Required Action	Due Date
Reissuance Application: Submit a complete permit reissuance application 180 days prior to permit expiration.	02/01/2031

2.12 Explanation of Schedules

A permit reissuance application is required per s. NR 243.12(1)(d) Wis. Admin. Code.

Attachments

Nutrient Management Plan Conditional Approval January 12, 2026

Days of Storage No Further Actions Letter July 11, 2025

Sample Point Map

Inspections Reports from October 4, 2024 and November 11, 2024

Links to document sets:

AG-APP-NE-2025-31-X04-15T14-21-16

AG-PNS-NE-2025-31-X04-15T14-21-16

AG-NMP-NE-2025-31-X04-15T14-21-16

Justification Of Any Waivers From Permit Application Requirements

No waivers requested or granted as part of this permit reissuance.

Prepared By: Brittiny Mueller **Agriculture Runoff Management Specialist** **Date: March 17, 2026**

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January 12, 2026

Kewaunee County
Approval

Randy Ebert
Ebert Enterprises LLC
N6939 County Road D
Algoma, WI 54201

SUBJECT: Amended Conditional Approval of Ebert Enterprises LLC Nutrient Management Plan, WPDES Permit No. 0062235-05-0

Dear Randy Ebert:

After completing a review of Ebert Enterprises LLC 2025-2029 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 Ebert Enterprises 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.

FINDINGS OF FACT

The Department confirms that:

1. A current dairy herd size of 13,634 animal units (6663 milking & dry cows, 3424 heifers, 1641 calves, and 902 steers). Currently there are no planned expansions in the next permit term.

2. Manure generation and spreading records indicate your herd will annually generate approximately 106,615,460 gallons of manure and process wastewater and 36,770 tons of solid manure in the first year of the permit term.

3. The use of application restriction options 1, 2, and 5 within surface water quality management areas.

4. The use of phosphorus delivery method P Index.

5. That Ebert Enterprises LLC currently has 13,494 acres (3,350 owned and 10,144 controlled through contracts, rental agreements or leases, or under manure agreements) of which 12,802 are spreadable acres.

6. 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.

7. 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 2025-2029 Ebert Enterprises LLC Nutrient Management Plan subject to the following conditions and the applicable requirements of Ch. NR 243, Wis. Adm. Code:

FIELD AND MANURE MANAGEMENT

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

2. The following fields have also been approved to receive industrial, municipal, or septage waste:

Field Name	Other Permittee Name	Other Permittee Field Name	DNR #
100	PACKERLAND WHEY PRODUCTS INC	TS-2	118120
42	PACKERLAND WHEY PRODUCTS INC	LS-1	118121
78	PACKERLAND WHEY PRODUCTS INC	TS-1	118119
Morris	ALGOMA WASTEWATER TREATMENT FACILITY	KWMT-1	115878
Renier-1	RENIER SANITATION LTD.	38-1	51563
Renier-1	RENIER SANITATION LTD.	38-2	51564
Renier-1	RENIER SANITATION LTD.	38-3	51565
Renier-1	RENIER SANITATION LTD.	38-4	51566
Renier-2	RENIER SANITATION LTD.	38-5	51567
Renier-2	RENIER SANITATION LTD.	38-6	51568
ZZ Miesler Farms T-1	PACKERLAND WHEY PRODUCTS INC	M-1	117268

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

3. The following fields (198.1 acres) are prohibited from receiving applications of manure or process wastewater:
   - AD Northeast (insufficient sampling density)
   - Mark Paul Triangle (insufficient sampling density)
   - Mark Paul W (well contamination risk)
   - Randy Kleiman Hay (outdated soil tests)
   - TV-02 (P > 200ppm)
   - ZZ County Line Farms 21 (outdated soil tests)
   - ZZ D Seidl Corner North (outdated soil tests)
   - ZZ D Seidl Corner South (outdated soil tests)
   - ZZ D Seidl North 1 (outdated soil tests)
   - ZZ Dalebroux Farms J 6 (insufficient information)
   - ZZ Dalebroux Farms W 3 (insufficient sampling density)
   - ZZ Pavlat 12-4A (outdated soil tests)
   - ZZ Pavlat 12-12 (insufficient sampling density)
   - ZZ Pavlat 12-17 (P > 200ppm)
   - ZZ Stauber Hawks 2 (outdated soil tests)

   If Ebert Enterprises LLC wishes to use these fields for applications of manure or process wastewater all necessary information shall be submitted to the Department prior to application to demonstrate compliance with NR 243 and other applicable codes. Written Department approval amending this condition approval must be received prior to application.

4. If existing fields yield a soil test results 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.

5. All liquid manure samples collected may be analyzed, at a minimum, for percent dry matter, total nitrogen, percent NH_4-N, percent NO_3-N, phosphorus, potassium, and sulfur.

6. If manure sample results have a dry matter (DM) content less than 2.0% and the percent ammonium (NH_4^+) is greater than 75% of the total N, Ebert Enterprises LLC may use the following equation to adjust the first year available nitrogen when applications are injected or incorporated within 1 hour:

$$\text{First-Year Available N} = NH_4\text{-N} + [0.25 \times (\text{Total N} - NH_4\text{-N})]$$

7. Ebert Enterprises LLC shall record daily manure applications by using form 3200-123A and "Daily Spreading Log".

8. Ebert Enterprises 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 the SnapPlus Annual Spreading Report.

WINTER SPREADING

9. Liquid manure applications during winter conditions, as defined by NR 243.14(7), Wis. Adm. Code, are prohibited with the exception of emergency applications.

10. The following field(s) are approved for winter spreading solid manure, emergency applications of liquid manure and frozen liquid manure. Please note that W soils may not receive manure unless depth to groundwater can be verified:
    - 1
    - 2
    - 3
    - 5
    - 6
    - 8
    - 13
    - 16
    - 17
    - 27
    - 30
    - 35
    - 53
    - 68
    - BG
    - BG South
    - Big Pivot
    - Bosdech
    - Cmeyla W
    - DB (adjacent to Jordan Pivot)
    - DJ South
    - DM
    - Ed Riedy
    - Eighth Road South
    - Farm Tech Small (adjacent to Big Pivot)
    - Halada
    - HK East
    - HK West
    - Hunsaders
    - JD.ND
    - Jordan Pivot
    - Joski East (NW corner)
    - Joski West (NE corner)
    - KD
    - KV-1
    - LA
    - Longfellow West
    - PG
    - Renier 1
    - Renier 2
    - RK.DS
    - Smith
    - TB
    - TM South
    - TS

11. The following field(s) are denied for winter spreading solid manure, emergency applications of liquid manure and frozen liquid manure due to a lack of spreadable acres:
    - Cmeyla E (W soils)
    - DJ North
    - Longfellow East North
    - Longfellow East South
    - PG
    - Rankin

12. 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.

13. Winter applications of liquid manure shall only occur under emergency situations, after notifying the Department and receiving verbal approval.

14. 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

15. No headland stacking sites are approved.

NR243.143/151.075 SILURIAN BEDROCK PERFORMANCE STANDARDS

16. Manure generated by Ebert Enterprises LLC that is mechanically applied to the following approved fields meet planning requirements under NR243.143/151.075, Silurian bedrock performance standards. The following fields are required to meet all requirements under NR243.143/151.075, Silurian bedrock performance standards immediately following this approval.
    - 2
    - 3
    - 5
    - 6
    - 8
    - 9
    - 11
    - 13
    - 16
    - 17
    - 26
    - 37
    - 38
    - 40
    - 42
    - 67
    - 78
    - 93
    - 94
    - 95
    - 96
    - 97
    - 100
    - 101
    - 44-45
    - EB-1
    - EB-2
    - EB-3
    - K Seiler E No M
    - K Seiler East
    - K Seiler North
    - K Seiler SW
    - Laluzerne M
    - Malcore-1
    - Malcore-3
    - Malcore-4
    - Malcore-5
    - Malcore-6
    - Mark Paul W
    - Renier-1
    - RK North
    - SH
    - SL East
    - SL South
    - SL West
    - Staats Rockledge
    - TV-01
    - TV-04
    - TV-05
    - ZZ Abts 33
    - ZZ Abts Dean 36
    - ZZ Dalebroux Farms C 1
    - ZZ Dalebroux Farms C 2
    - ZZ Dalebroux Farms S 3
    - ZZ Dalebroux Farms W 1
    - ZZ Dalebroux Farms W 2
    - ZZ Dalebroux Farms W 3
    - ZZ Dart Ken 4
    - ZZ Dart Ken 58
    - ZZ Guilette 11 and 12
    - ZZ Guilette 8 and 9
    - ZZ Guilette F
    - ZZ Guilette F.01
    - ZZ Guilette F.02
    - ZZ Guilette F.03
    - ZZ Guilette F.04
    - ZZ Guilette Home 1
    - ZZ Miesler Farms T-1
    - ZZ Mike Massart 1
    - ZZ Mike Massart 2
    - ZZ Mike Massart 3
    - ZZ Mike Massart 4E
    - ZZ Mike Massart 4W
    - ZZ Mike Massart 5
    - ZZ Mike Massart 5A
    - ZZ Mike Massart 6
    - ZZ Mike Massart 7
    - ZZ Mike Massart 8
    - ZZ Mike Massart S1
    - ZZ Mike Massart S2
    - ZZ Mike Massart S3
    - ZZ Mike Massart S4
    - ZZ Mike Massart S5

MANURE & PROCESS WASTEWATER IRRIGATION

17. The following fields are approved for liquid manure applications using a center pivot irrigation system manufactured by T-L Irrigation Company, with nozzles manufactured by Nelson Irrigation Company:
    - Big Pivot
    - Jordan's Pivot
    - Small Pivot

18. Irrigation application rates shall be limited to 10,000 gallons per acre per application event or 10,000 gallons per acre over a 5-day period if split applications are used.

19. Ebert Enterprises LLC shall allow a rest period of 2 days or more between each application event.

20. Irrigation applications during daytime hours shall not occur if sustained wind speeds of 10 miles per hour or more are documented. Sustained wind shall be defined as the average wind speed over a 15-minute period.

21. Irrigation applications during nighttime shall not occur if sustained wind speeds of 10 miles per hours or more are document. Sustained wind shall be defined as the average wind speed over a 15-minute period.

22. Irrigation applications shall not occur when wind gusts exceed 20 miles per hour.

23. Ebert Enterprises LLC shall visually monitor fields receiving manure irrigation applications every 2 hours or more frequently. Visual monitoring results shall be documented using the "Irrigation Application Record Sheet" form. Copies of these forms shall be submitted to the department annually with the NMP Update and provided to the department upon request.

24. If Ebert Enterprises LLC receives approval from an adjacent dwelling resident to apply within 250 feet, the reduced setback does not become effective until a copy of the agreement is submitted to the department.

25. If additional fields are selected by Ebert Enterprises LLC for irrigation applications, those fields cannot be used for that purpose until department review and written approval is obtained.

SUBMITAL AND RECORDKEEPING REQUIREMENTS

26. 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.

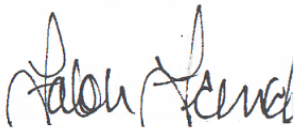
27. The farm is required to take a minimum number of manures samples to meet permit requirements as follows:
    - Solid Manure: One solid sample per source on a quarterly basis when hauling occurs.
    - Liquid Manure: Two liquid samples per source on a monthly basis when hauling occurs

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 locate permits, zoning and regulatory requirements.

If you have any questions regarding this approval I can be reached at (608) 228-5265 or Falon.French@Wisconsin.gov.

Sincerely,



Falon French
WDNR CAFO Intake/Nutrient Management Specialist
Wisconsin Department of Natural Resources

cc: Brittiny Mueller, WDNR Agricultural Runoff Specialist (brittiny.mueller@wisconsin.gov)
Joe B Baeten, WDNR Agricultural Runoff Section Manager (Joseph.Baeten@wisconsin.gov)
Aaron O'Rourke, WDNR Nutrient Management Program Coordinator (Aaron.Orourke@Wisconsin.gov)
Ashley Scheel, WDNR CAFO Nutrient Management Plan Reviewer (Ashley.Scheel@Wisconsin.gov)
Anthony Salituro, WDNR CAFO Engineer (anthony.salituro@wisconsin.gov)
Davina Bonness, Kewaunee County (bonness.davina@kewauneeco.org)
Greg Coulhurst, Door County (GCoulthurst@co.door.wi.us)
Nick Guilette, Ebert Enterprises LLC (nick.guilette@ebertent.com)
Kevin Beckard, AgSource Laboratories (kevin.beckard@agsource.com)
File

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Tony Evers, Governor
Karen Hyun, Ph.D., Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

July 11, 2025

FILE REF: R-2025-0108
WPDES Permit #: WI-0062235

Randy Ebert
Ebert Enterprises LLC
N6939 County Road D
Algoma, WI 54201

Subject: Days of Storage Review for Ebert Enterprises LLC, SE¼ of T24N, R25E, Section 06 in Pierce Township, Kewaunee County – NO ADDITIONAL ACTION REQUIRED

Dear Mr. Ebert:

This letter is to inform you that the Wisconsin Department of Natural Resources (Department) has completed its review of the calculation of days of storage submitted under certification by Doug Gatrell, GHD on April 15, 2025 on behalf of Ebert Enterprises LLC.

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

Days of Available Liquid Waste Storage: The submitted information states that Ebert Enterprises LLC has **227** days of liquid waste storage based on the volumes listed in the table below with respect to s. NR 243.15(3)(i) to (k), Wis. Adm. Code. The calculations are for all five sites included in the Ebert Enterprises LLC permit (Main Facility, K Farm, Tonet Farm, S Farm, and Longfellow Farm). The current number of animal units combined at all sites provided for the calculation is **13,634**. A proposed expansion of the feed storage area and additional freestall barn at the Main Facility is proposed and will be reviewed as part of the plans and specifications package (Project Reference: **R-2025-0112** and **R-2025-0127**). The liquid waste volumes are based on the NRCS spreadsheet and other estimated or calculated values for a collection period of 365 days. All runoff, up to the 25yr - 24hr storm, is captured from all runoff contributing areas at the farm. All storages with a remaining waste of 0 have concrete bottoms with access to empty the storages fully as needed.

Liquids Collected/Stored	**Annual Gallons**
Manure and Bedding	77,853,781
Main Feed Storage Leachate	482,460
Main Feed Storage Runoff Collected	7,445,552
Main Stacking Pad Runoff Collected	311,955
K Farm Concrete Barnyard Runoff Collected	2,245,833
Tonet Feed Storage Leachate	93,500
Tonet All Runoff Contributing Areas	3,354,641
Longfellow Feed Storage Leachate	108,460
Longfellow All Runoff Contributing Areas	2,812,450
Net Precipitation on Storage Surfaces	10,606,828
TOTAL:	**105,315,460**

Waste Storage	Total Vol. from Settled Top to Bottom	Remaining Waste	25-yr, 24-hr Precip. on Storage	25-yr, 24-hr Collected Runoff	Freeboard Vol.	Max. Operating Level (MOL) Vol.
Main WSP1	1,806,821	0	69,485	0	192,957	1,544,379
Main WSP2	16,571,142	0	511,328	41,009	1,399,557	14,619,248
Main LMP	5,419,857	0	206,120	943,577	531,872	3,738,288
K Farm Runoff	1,750,012	0	79,987	295,233	214,242	1,160,550
Long WSP	17,615,650	0	418,730	0	1,135,132	16,061,788
Long LMP	4,052,379	0	132,443	347,125	354,188	3,218,623
S Farm WSP1	188,533	0	18,812	0	51,540	118,181
S Farm WSP2	1,548,360	112,968	59,655	0	160,261	1,215,476
Tonet WSP1-3	8,964,760	440,995	324,728	440,995	887,422	6,870,620
Tonet WSP4	12,852,192	210,973	510,848	0	869,996	11,260,375
Tonet WSP5	6,696,938	257,723	278,840	0	485,602	5,674,773
					Total MOL Vol:	65,482,301
					Days of Storage:	**227**

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

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to WIS. STAT. §§ 227.52 and 227.53, you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

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

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

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

Tony Salituro
CAFO Review Engineer
Watershed Management Program

Email:
Randy Ebert; Ebert Enterprises LLC
(920) 487-9932; rr@ebertent.com

Douglas Gatrell; GHD Services, Inc.
(734) 645-4851; doug.gatrell@ghd.com

Aaron O'Rourke; DNR, Eau Claire
(715) 839-3775; aaron.orourke@wisconsin.gov

Matt Woodrow; DATCP
(920) 427-8505; matthew.woodrow@wisconsin.gov

Brittiny Mueller; DNR-Northeast Region
(608) 228-9184; brittiny.mueller@wisconsin.gov

Joe B Baeten; DNR-Northeast Region
(920) 366-2072; Joseph.Baeten@wisconsin.gov

Falon French; DNR-Central Office
(608) 228-5265; falon.french@wisconsin.gov

Anthony Salituro; DNR-Central Office
(608) 444-2869; anthony.salituro@wisconsin.gov

Home Farm Sample Point Map

Tonet Dairy West
Sample Point Map

Tonet Dairy East
Sample Point Map

Longfellow Farm
Sample Point Map

K Farm
Sample Point Map

S Farm
Sample Point Map

CAFO Compliance Report (1/31/2025)

Inspection Date: October 8, 2024

Inspection Type: Permit Reissuance Inspection

Operation Name: Ebert Enterprises LLC

Operation Address: N6939 County Highway D, Algoma, WI 54201

On-Site Representative(s): Randy Ebert, Jordan Ebert, Chris Granius, Nick Guilette

DNR Staff / Report Writer: James Salscheider, Agricultural Runoff Specialist

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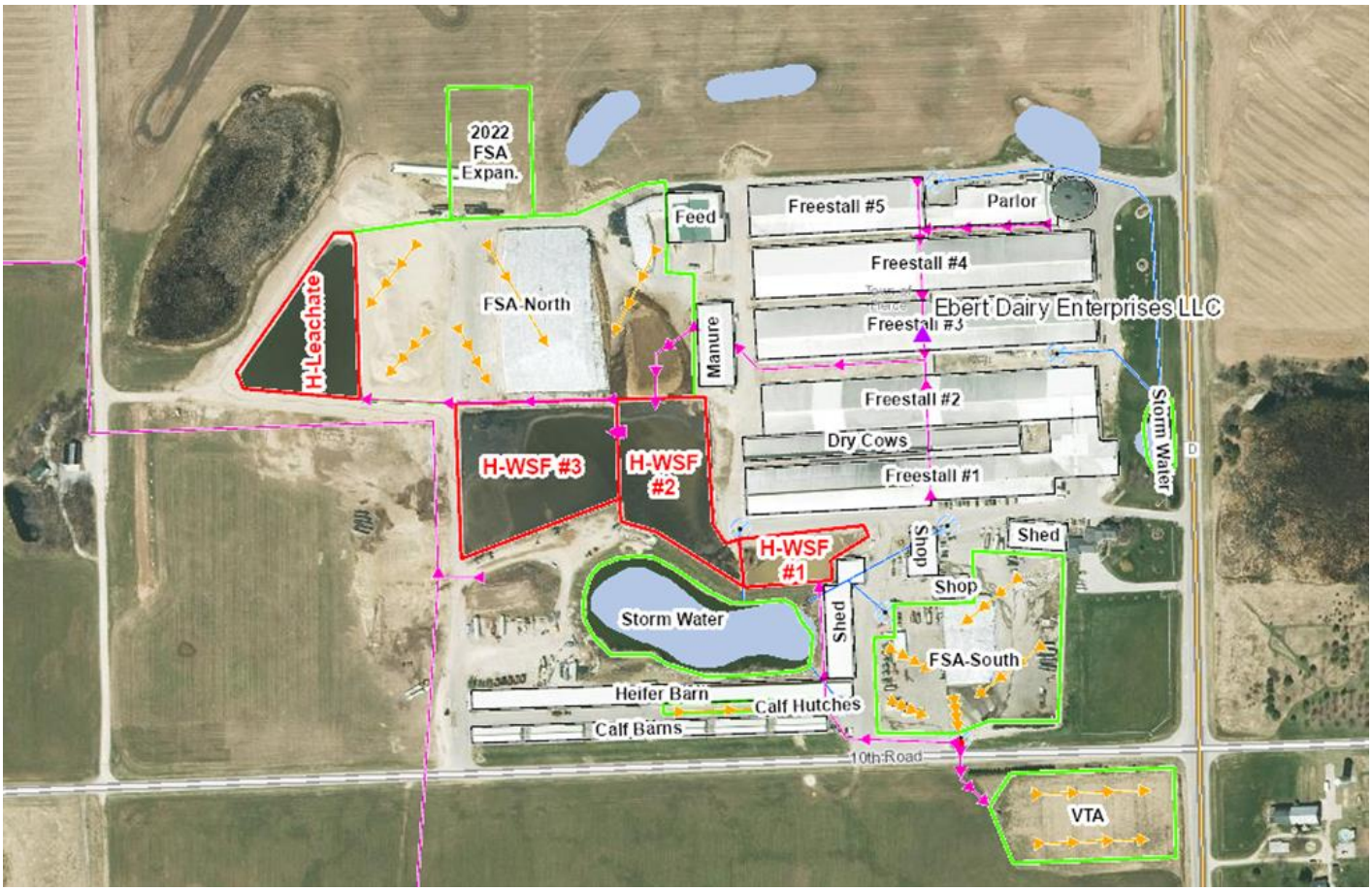
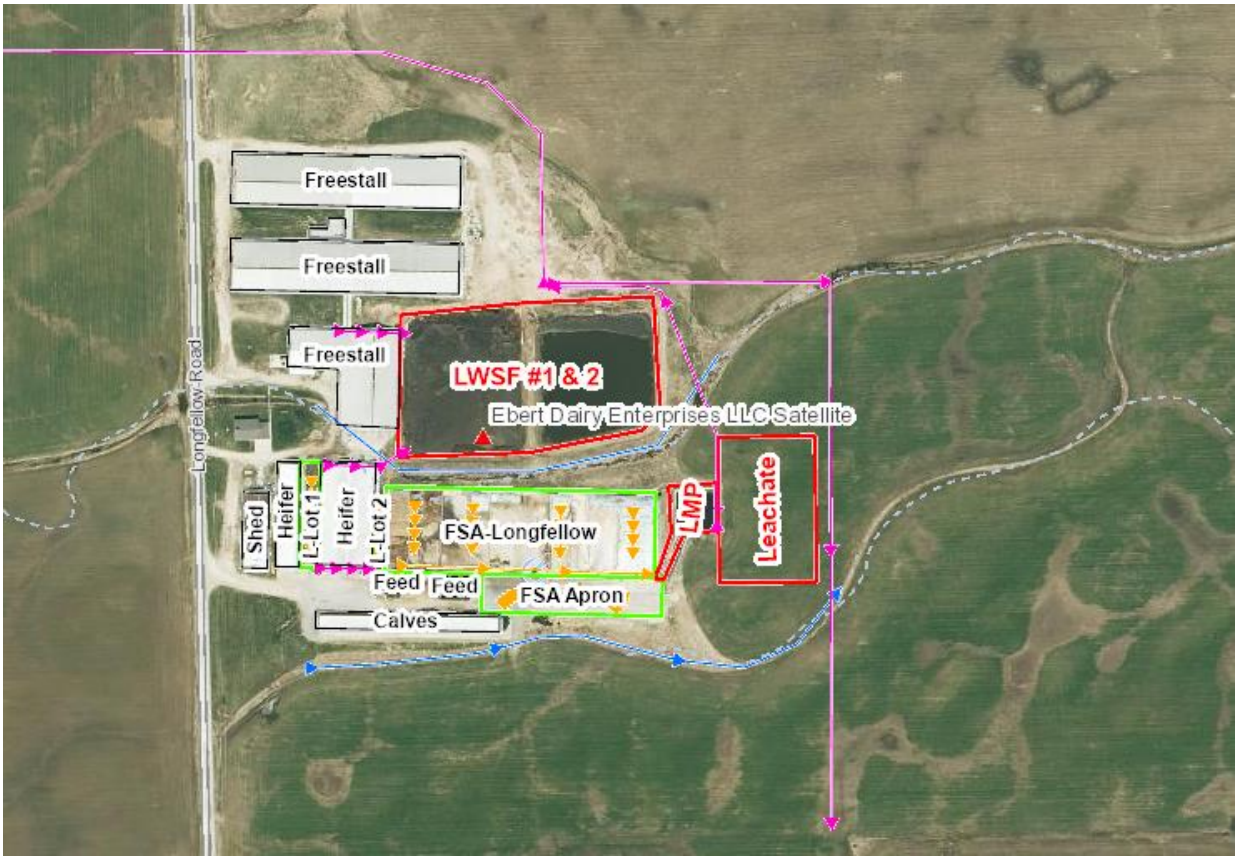
Summary
On Tuesday, October 8, 2024, James Salscheider, WDNR CAFO Compliance and Enforcement Coordinator, met with Randy Ebert, owner of Ebert Enterprises LLC, to conduct a comprehensive site inspection of the production sites covered under Ebert's WPDES permit as part of the WPDES permit reissuance process. Ebert Enterprises LLC currently operates under WPDES Permit No. WI-0062235-04-0, which became effective on October 1, 2020 and is set to expire on September 30, 2025. Salscheider was joined by Brittiny Mueller, WDNR Agricultural Runoff Management Specialist. Ebert was joined by Nick Guilette, Crop Consultant at Ebert Enterprises LLC, Chris Granius, Manager at Ebert Enterprises LLC, and Jordan Ebert. There are four production sites currently covered under Ebert's WPDES permit. The Main Site is located at N6939 County Highway D, Algoma, WI 54201. The Main Site consists of five freestall barns, one dry cow barn, one heifer barn, six calf barns, two feed storage areas, two stormwater ponds, four liquid waste storage facility, one separation building, one commodity shed, several machine sheds, and one vegetated treatment area. The K Farm (beef farm) is located at E5083 County Rd K, Algoma, WI 54201. The K Farm consists of several animal barns and associated outdoor concrete lots, one solid manure stacking area and one liquid waste storage facility. The Longfellow Farm (heifer site) is located at N6388 Longfellow Rd, Algoma, WI 54201. The Longfellow Site consists of two liquid waste storage facilities, one feed storage area, two outdoor concrete barnyards, and several animal barns. The S Farm is located at E5639 County Rd S, Algoma, WI 54201. The S Farm consists of two liquid waste storage facilities and two barns that are used for straw storage. No animals are housed at the S Farm. The weather during the inspection was dry and approximately 52 °F.



Aerial Map 1. The aerial map above illustrates the production site at the Main Site at Ebert Enterprises LLC. The purple lines represent permanent manure transfer lines. Yellow arrows represent the flow path of process wastewater on the production site.

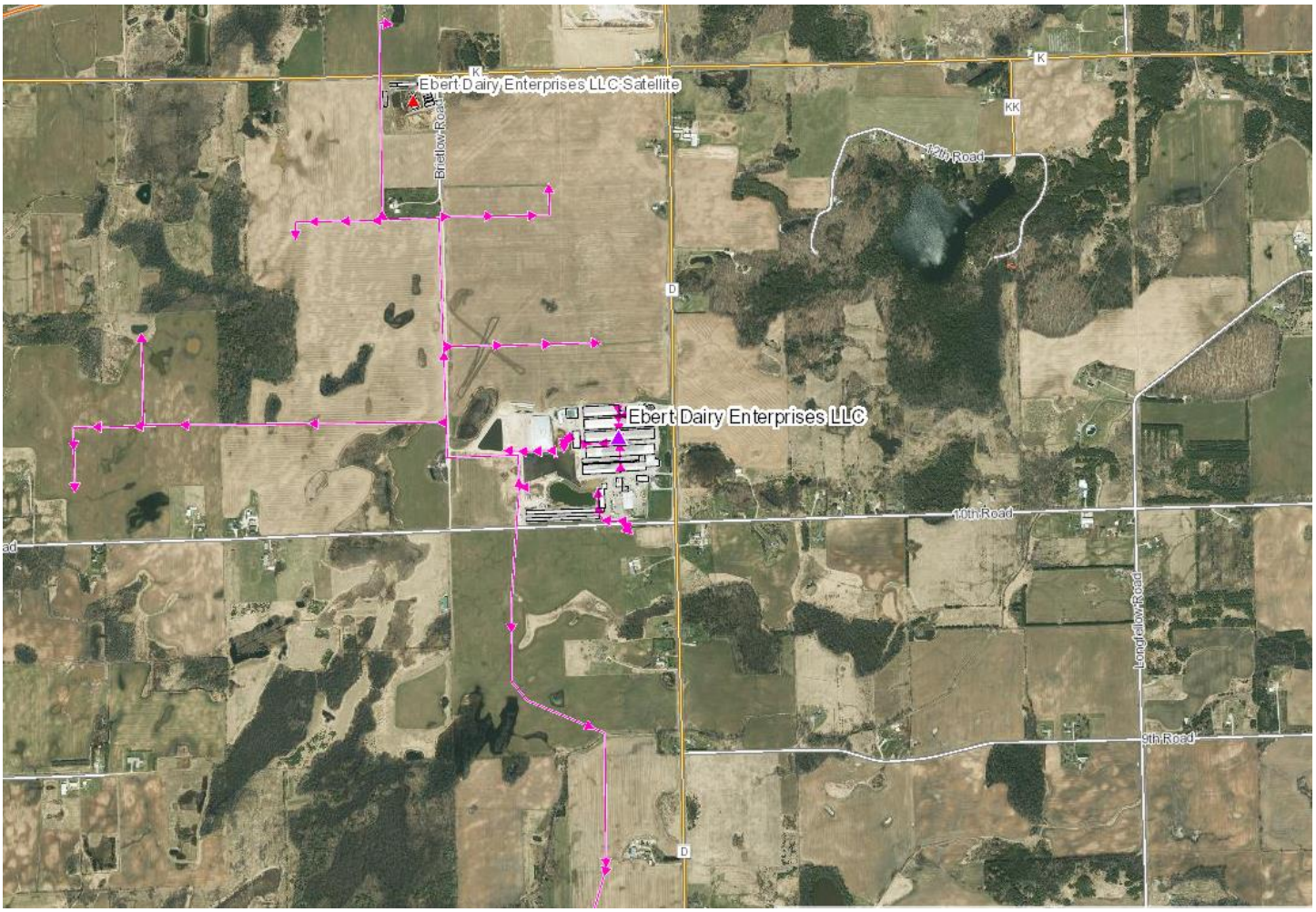
Aerial Map 2. The aerial map above illustrates surface water in relation to the Main Site at Ebert Enterprises LLC. Wetlands are identified by the yellow shaded areas. Ponds are identified by the blue shaded areas. The aerial image was obtained from the DNR Surface Water Data Viewer.



Aerial Map 3. The aerial map above illustrates the production site at the Longfellow Farm at Ebert Enterprises LLC. The purple lines represent permanent manure transfer lines. Yellow arrows represent the flow path of process wastewater on the production site.

Aerial Map 4. The aerial map above illustrates the production site at the K Farm at Ebert Enterprises LLC. The purple lines represent permanent manure transfer lines. Yellow arrows represent the flow path of process wastewater on the production site.

Aerial Map 5. The aerial map above illustrates the production site at the S Farm at Ebert Enterprises LLC, which consists of two liquid waste storage facilities. Silver Creek (WBIC 94900) flows north to south, directly west of the production site.



Aerial Map 6. The aerial map above illustrates the permanent manure transfer line that connects the Main Site, the Longfellow Farm, and the K Farm. Manure and process wastewater can be transferred between the three sites and to outlets for land application sites and center pivot irrigation.

SITE OBSERVATIONS

Feedlot Runoff

Feedlot areas are managed to not have current or past indicators of discharges.
Feedlot runoff control systems are well-maintained, in good repair and in compliance with permit requirements.

Ebert Enterprises utilizes outdoor concrete feedlots at the K Farm and the Longfellow Farm. A majority of the animals housed at the K Farm are house on the concrete feedlots. All runoff from the concrete outdoor lots gravity flow into the liquid waste storage facility at the K Farm, KWSF 1. The runoff controls appeared to be operating as designed, with no signs of discharge or degradation.

At the Longfellow Farm, Ebert Enterprises utilizes two concrete feed lots located west of the feed storage area and adjacent to the barns. Heifers housed in those barns have access to the lots. Runoff from the west barnyard flows south into a catch basin, where it enters a transfer pipe that conveys runoff to the feed storage area via gravity flow. The catch basin is occasionally scraped. Runoff from the east barnyard flows directly onto the feed storage area and is captured by the runoff control system for the feed storage area.

Photo 1. The western outdoor concrete feed lot at the K Farm. Runoff flows north where it then flows into the northwest corner of the liquid waste storage facility at the K Farm.

Photo 2. The western outdoor concrete feed lot at the K Farm. Runoff flows north where it then flows into the northwest corner of the liquid waste storage facility at the K Farm.

Photo 3. The northwest corner of the storage facility at the K Farm, where runoff from the western feed lots gravity flows into the storage. This photo was taken facing northeast.

Photo 4. The western feed lots at the K Farm. Runoff gravity flows north, represented by the yellow arrow. This photo was taken facing south.

Photo 5. The northern feed lots at the K Farm. Runoff gravity flows west, represented by the yellow arrow. This photo was taken facing east.

Photo 6. The northern feed lots at the K Farm. Runoff gravity flows west, represented by the yellow arrow. This photo was taken facing east.

Photo 7. The eastern feed lots at the K Farm. Runoff gravity flows west into the existing waste storage facility. This photo was taken facing south.

Photo 8. The eastern feed lots at the K Farm. Runoff gravity flows west into the existing waste storage facility. This photo was taken facing east.

Photo 9. The eastern feed lots at the K Farm. This photo was taken facing southwest.

Photo 10. The eastern feed lots at the K Farm. This photo was taken facing north.

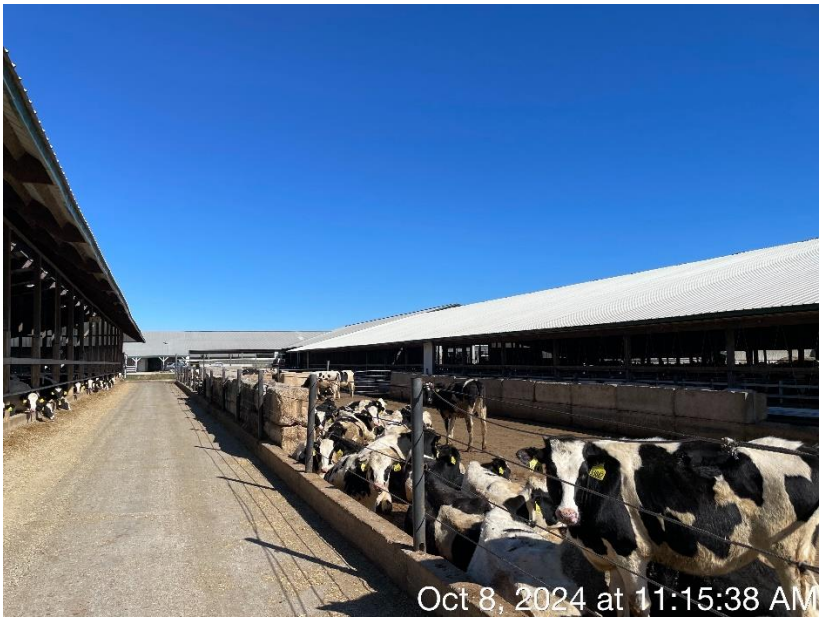


Photo 11. The concrete barnyard at the Longfellow Farm. This photo was taken facing north.

Photo 12. The flow path of runoff towards the collection inlet on the south side of the feed lot at the Longfellow Farm.

Photo 13. The collection inlet located on the south side of the feed lot at the Longfellow Farm.

Photo 14. A holding area located on the west side of the feed storage area at the Longfellow Site. This photo was taken facing north.

Photo 15. The outlet associated with the runoff controls for the feed lot at the Longfellow Farm. Runoff exits the outlet and enters the feed storage area. Runoff is comingled with runoff from the feed storage area and captured by the feed storage runoff control system.

Photo 16. The flow path of runoff from the barnyard towards the feed storage area. This photo was taken facing east.

Calf Hutch Areas

Ebert Enterprises LLC does not utilize outdoor calf hutch areas. All calves are housed in calf barns.

Photo 17. Calf barns located on the south side of the production site at the Main Site.

Photo 18. Calf barns located on the south side of the production site at the Main Site.

Waste Storage Facilities

Solid and liquid waste storage facilities are managed to not have current or past indicators of discharges (includes headland stacking sites).
Solid and liquid waste storage structures are not well-maintained, in good repair, and in compliance with permit requirements.
Liquid waste storage facilities do not have permanent markers installed.

At the Main Site, Ebert Enterprises utilizes four liquid waste storage facilities and one solid manure stacking area to store manure and process wastewater generated at the Main Site. Waste storage facility (WSF) 1 is a concrete liquid storage facility that was constructed in 2002. WSF 1 has a usable capacity of 1,544,380 gallons and accepts manure from WSF 2. WSF 1 operates as part of the three-stage waste storage facility, with a concrete weir allowing manure to flow from WSF 2 into WSF 1. WSF 1 appeared to be in good condition with no signs of degradation or discharge. WSF 2 is a concrete liquid storage facility that was constructed in 2006. WSF 2 has a usable capacity of 5,692,377 gallons and accepts manure generated in the freestall barns after the sand is removed in the separation building. WSF 2 operates as the first stage of a three-stage system. WSF 2 appeared to be in good condition with no signs of degradation or discharge. WSF 3 is a concrete liquid storage facility that was constructed in 2011. WSF 3 has a usable capacity of 8,534,645 gallons and accepts

manure from WSF 2 and the solid manure stacking pad. WSF 3 operates as the third stage of a three-stage system. Permanent markers are present in the southeast corner of WSF 3. WSF 3 appeared to be in good condition with no signs of degradation or discharge. WSF 4 is a concrete liquid waste storage facility that was constructed in 2018. WSF 4 has a usable capacity of 3,810,657 gallons and accepts runoff from the feed storage area. WSF 4 had permanent markers present on the west side of the storage facility. WSF 4 appeared to be in good condition with no signs of degradation or discharge. A collection system was located in the southwest corner of WSF 4 that collects process wastewater for the center pivot irrigation system.

Ebert Enterprises LLC recently constructed a concrete solid manure stacking pad located on the south side of WSF 3 at the Main Site. Plans and specifications for this structure were approved on August 27, 2024 (FILE REF: R-2024-0210). Per the plans and specifications, the solid stacking pad is a 6-inch concrete slab with dimensions of 170 ft long by 90 ft wide with a push wall located around the east and south edge of the pad. Runoff from the stacking pad gravity flows directly into WSF 3 at the Main Site, where runoff will be stored until it can be land applied.

Manure generated in the freestall barns at the Main Site is treated to remove sand from the liquid manure. The manure transfer system from the freestall barns convey liquid manure to the sand and fiber separation building. Sand is removed and stored in piles within the building, where runoff leaching from the piles gravity flows back into the system. The removed sand will be reused for bedding material. Ebert Enterprises also removes fiber solids from the liquid manure, which is conveyed outside of the separation building and stored on the feed pad. The separated solids are used for bedding in the calf barns and the K Farm. After the sand and fiber solids are removed, the remaining liquid manure is transferred to WSF 2 for long term storage.

At the K Farm, Ebert Enterprises utilizes one liquid WSF and one solid manure stacking pad. WSF 1 at the K Farm is a concrete liquid storage that has a capacity of 751,311 gallons. WSF 1 was constructed in 2013 and accepts runoff from the concrete barnyards and solid manure stacking area at the K Farm. The storage appeared to be in good condition. Permanent markers were not present during the inspection. Solid manure generated at the K Farm is stacked on a concrete pad that is sloped into WSF 1. Runoff from the pad gravity flows directly into WSF 1.

At the Longfellow Farm, Ebert Enterprises utilizes two liquid WSFs. WSF 1 at Longfellow Farm is located north of the feed storage area and east of the animal barns at the site. WSF 1 is a concrete liquid storage that was renovated in 2020 and has a usable capacity of 16,061,788 gallons. WSF 1 accepts liquid manure that is generated in the animal barns at the Longfellow Site. WSF 1 appeared to be in good condition and permanent markers were present within the storage. WSF 2 at the Longfellow Site is a concrete liquid storage that was constructed in 2020 and has a useable capacity of 3,196,028 gallons. WSF 2 accepts runoff from the feed storage area and concrete barnyards at the Longfellow Site. Several cracks were observed in the concrete that allowed water to seep into the storage. Ebert Enterprises should continue to conduct maintenance to the storage facilities when cracks appear. Ebert Enterprises utilizes the western most feed bunker to store solid manure generated at the site. The bunker was evaluated to store solid manure and should be added to the WPDES permit during reissuance as a solid manure storage facility.

At the S Farm, Ebert Enterprises utilizes two liquid WSFs that store liquid manure that is manually transferred to the site from the three other sites under Ebert's permit. WSF 1 at the S Farm is an in-place earthen storage that was constructed in 1981. WSF 1 has a usable capacity of 118,182 gallons. Manure gravity flows from WSF 1 to WSF 2 through a gap in the berm that separates the two storage facilities. WSF 2 is an in-place earthen storage that was constructed in 2014 and operates as the second stage of the two-stage system. WSF 2 has a usable capacity of 1,215,476 gallons. Erosion was present along the concrete ramp leading into WSF 1 and on the weir that allows manure to flow from WSF 1 to WSF 2. Permanent markers were not present during the site inspection.

Ebert Enterprises utilizes a network of permanent manure transfer lines that can transfer manure between production sites at the Main Site, K Farm, and Longfellow Farm, as well as to cropland for land application and irrigation. Aerial Map 6 illustrates the manure transfer system.

Photo 19. The ramp leading into WSF 1 at the Main Site. This photo was taken facing southwest.

Photo 20. WSF 1 at the Main Site. This photo was taken facing southwest.

Photo 21. WSF 1 at the Main Site. This photo was taken facing east.

Photo 22. The concrete berm that separates WSF 1 and WSF 2. This photo was taken facing south.

Photo 23. WSF 2 at the Main Site. This photo was taken from the east side of the storage facing southwest.

Photo 24. The outlet that discharges manure from the solid separation building into the three-stage manure storage system, located on the northeast corner of WSF 2. This photo was taken facing south.

Photo 25. WSF 2 at the Main Site. This photo was taken from the north side of the storage facing southeast.

Photo 26. WSF 2 at the Main Site. This photo was taken from the north side of the storage facing south.

Photo 27. The berm located between WSF 2 and WSF 3 at the Main Site. This photo was taken facing south. The solid stacking pad can be seen in the background, located on the southern side of WSF 3.

Photo 28. WSF 3 at the Main Site. This photo was taken facing southeast. The solid stacking pad can be seen in the background, located on the southern side of WSF 3.

Photo 29. WSF 4 at the Main Site, which accepts runoff from the northern feed storage area. This photo was taken facing north.

Photo 30. WSF 4 at the Main Site, which accepts runoff from the northern feed storage area. This photo was taken facing east.

Photo 31. Permanent markers within WSF 4, located on the berm along the west side of the storage.

Photo 32. The sand separation system that handles all manure generated in the freestall barns at the Main Site.

Photo 33. The sand separation system that handles all manure generated in the freestall barns at the Main Site.

Photo 34. Solid fiber removed from the liquid manure in the solid separation building located east of the northern feed storage area at the Main Site.

Photo 35. Solid fiber removed from the liquid manure in the solid separation building located east of the northern feed storage area at the Main Site.

Photo 36. WSF 1 at the K Farm, which accepts runoff from the barnyards and solid stacking area. This photo was taken facing southeast.

Photo 37. WSF 1 at the K Farm, which accepts runoff from the barnyards and solid stacking area. This photo was taken facing east.

Photo 38. Permanent markers within WSF 1 at the K Farm, located on the west berm within the storage facility.

Photo 39. WSF 1 at the K Farm, which accepts runoff from the barnyards and solid stacking area. This photo was taken facing west.

Photo 40. WSF 1 at the Longfellow Site. This photo was taken facing northwest.

Photo 41. WSF 1 at the Longfellow Site. This photo was taken facing southwest.

Photo 42. WSF 1 at the Longfellow Site. This photo was taken facing south.

Photo 43. WSF 1 at the Longfellow Site. This photo was taken facing west.

Photo 44. One of the outlets that discharges manure into WSF 1 at the Longfellow Site. This outlet is located in the northwest corner of the storage facility.

Photo 45. The second outlet that discharges manure into WSF 1 at the Longfellow Site. This outlet is located in the southwest corner of the storage facility.

Photo 46. WSF 2 at the Longfellow Site, which accepts runoff from the feed storage area at the Longfellow Site. This photo was taken facing northeast.

Photo 47. WSF 2 at the Longfellow Site, which accepts runoff from the feed storage area at the Longfellow Site. This photo was taken facing northeast.

Photo 48. Permanent markers present in the southeast corner of WSF 2 at the Longfellow Site.

Photo 49. Cracks and evidence of seepage within WSF 2 at the Longfellow Site.

Photo 50. WSF 2 at the S Farm. This photo was taken facing east.

Photo 51. WSF 2 at the S Farm. This photo was taken facing south.

Photo 52. The berm that separates WSF 1 and WSF 2 at the S Farm. Significant erosion was present in the weir.

Photo 53. The weir that allows manure to flow from WSF 1 to WSF 2 at the S Farm. Significant erosion was present in the weir.

Photo 54. WSF 1 at the S Farm. This photo was taken facing southeast.

Photo 55. WSF 1 at the S Farm. This photo was taken facing east.

Photo 56. WSF 1 at the S Farm. This photo was taken facing north.

Photo 57. Erosion present along the concrete ramp leading into WSF 1 at the S Farm, identified by the black arrow.

Process Wastewater (other than feed storage area leachate/runoff)

Process wastewater sources (milking center, wash water, etc.) are managed to not have current or past indicators of discharges.

Process wastewater generated in the milking parlor is collected and comingled in the manure transfer system for the freestall barns at the Main Site. All machinery is washed in a shed located north of the feed storage area. All process wastewater generated is captured and conveyed to permanent storage. No indicators of discharge was observed from either sources.

Photo 58. The machinery washing area, located within a shop located on the north side of the southern feed storage area at the Main Site. Runoff is collected by a flume, identified by the black arrow.

Photo 59. The manhole/pump station associated with the machinery washing center. Wastewater is transferred to WSF 1.

Photo 60. The pump station associated manure transfer system for the milking parlor at the Main Site.

Feed Storage Area Runoff

Feed storage areas and associated process wastewater (leachate, runoff) are managed to not have current or past indicators of discharges.
Feed storage areas and runoff control systems are well-maintained, in good repair and in compliance with permit requirements.

At the Main Site, Ebert Enterprises utilizes two feed storage areas. The southern feed storage area is used to store haylage in piles, covered in plastic. Runoff from the feed storage area gravity flows to a grated collection inlet. The runoff controls for the southern feed storage area are designed to transfer leachate and first flush through a 6-inch diameter PVC pipe to existing storage (WSF 1). The remaining runoff will be pumped from the pre-cast concrete manhole through a 12-inch PVC pipe to the vegetated treatment area, located south across 10th Road. The VTA is approximately 200 feet wide by 350 feet long. Runoff outlets on the west side of the VTA where a curved gravel spreader bar is designed to evenly distribute the runoff across the VTA. Four additional gravel spreader bars are present downslope of the outlet. Some burnout was observed adjacent to the initial spreader bar. There were no indications of discharge observed from the southern feed storage area and vegetated treatment area.

The second storage area at the Main Site is located north of the waste storage facilities and west of the separation building, where corn silage and haylage are stored in large piles covered by plastic. Runoff from the feed storage area flows south and west, where it either enters a concrete channel or flows directly into WSF 4. Runoff that enters the concrete channel flows west where it eventually gravity flows into WSF 4. On the northeast corner of this feed pad, feed is stored in a bunker with temporary concrete walls on the north side of the storage area, directly west of the commodity shed. There were no indications of discharge observed from the northern feed storage area.

At the Longfellow Site, Ebert Enterprises stores feed in bunkers located on the south side of the production site. Runoff from the bunkers flows west to east where it gravity flows into a concrete conveyance channel and that diverts runoff into a detention basin. When the basin overflows, runoff enters WSF 2 at the Longfellow Site. The eastern most bunker was storing corn silage at the time of the inspection. A surface inlet is also present on the feed pad, collecting runoff west of the corn silage bunkers. The manhole conveys runoff to the concrete channel through a PVC pipe. Feed debris was present within the manhole, likely preventing the inlet from efficiently collecting process wastewater. Better maintenance needs to be conducted to prevent the inlet from plugging. There were no indications of discharge observed from the feed storage area at the Longfellow Site.

Photo 61. The southern feed storage area at the Main Site, which consists of piles of haylage covered in plastic.

Photo 62. The southern feed storage area at the Main Site, which consists of piles of haylage covered in plastic.

Photo 63. The runoff collection inlet for the southern feed storage area at the Main Site.

Photo 64. The wall along the southern feed storage area at the Main Site. This photo was taken on the south side of the feed storage area, facing east.

Photo 65. The wall along the southern feed storage area at the Main Site. This photo was taken on the east side of the feed storage area, facing north.

Photo 66. Evidence of seepage of leachate from the perimeter tile line around the southern feed storage area.

Photo 67. Evidence of seepage of leachate from the perimeter tile line around the southern feed storage area.

Photo 68. The pump station associated with the runoff controls for the southern feed storage area.

Photo 69. The VTA associated with the runoff controls for the southern feed storage area, located on the southeast corner of the production site at the Main Site.

Photo 70. The gravel spreader bar associated with the VTA at the Main Site. The spreader bar appeared to be well maintained.

Photo 71. Burnout present adjacent to the gravel spreader bar.

Photo 72. A gravel spreader bar located downslope of the initial gravel spreader bar. Herbicide was used to kill vegetation on the gravel spreader bar.

Photo 73. The VTA used to treat excess process wastewater captured from the southern feed storage area at the Main Site.

Photo 74. The VTA used to treat excess process wastewater captured from the southern feed storage area at the Main Site.

Photo 75. The northern feed storage area at the Main Site, where corn silage and haylage area stored in piles covered in plastic.

Photo 76. The flow path of runoff towards the collection system, located on the south side of the feed storage area.

Photo 77. The flow path of runoff towards the collection system, located on the south side of the feed storage area.

Photo 78. The flow path of runoff within the concrete conveyance channel towards WSF 4.

Photo 79. The flow path of runoff from the concrete conveyance channel into the southeast corner of WSF 4.

Photo 80. Corn silage being packed on the feed storage area just north of WSF 4, seen in the foreground.

Photo 81. Corn silage being packed on the northern feed storage area at the Main Site.

Photo 82. The feed storage area at the Longfellow Site, where corn silage is stored in feed bunkers.

Photo 83. The feed storage area at the Longfellow Site, where corn silage is stored in feed bunkers.

Photo 84. The flow path of runoff on the feed storage area at the Longfellow Site. Runoff gravity flows east towards the collection system.

Photo 85. The flow path of runoff on the feed storage area at the Longfellow Site. Runoff gravity flows east towards the collection system.

Photo 86. The south side of the feed storage area at the Longfellow Site. This photo was taken facing east.

Photo 87. The south side of the feed storage area at the Longfellow Site. This photo was taken facing west.

Photo 88. The flow path of runoff from the feed storage area at the Longfellow Site towards the collection system located on the east side of the feed storage area.

Photo 89. The concrete conveyance channel that conveys runoff from the feed storage area at the Longfellow Site towards the collection system.

Photo 90. The detention basin that accepts runoff from the feed storage area, located west of WSF 2 at the Longfellow Site. This photo was taken facing north.

Photo 91. The detention basin that accepts runoff from the feed storage area, located west of WSF 2 at the Longfellow Site. This photo was taken facing northeast.

Photo 92. The detention basin that accepts runoff from the feed storage area, located west of WSF 2 at the Longfellow Site. This photo was taken facing south.

Photo 93. The concrete berm and weir that conveys runoff from the detention basin to WSF 2 at the Longfellow Site. The yellow arrow represents the flow path of process wastewater through the weir.

Photo 94. The commodity feed storage shed at the Main Site, located on the north side of the production site and east of the feed storage area.

Photo 95. The commodity feed being stored in bunkers within the shed at the Main Site.

Animal Mortality Disposal

Animal mortalities are managed to not have current or past indicators of discharges.

Ebert Enterprises LLC utilizes Sandy Bay Mink Ranch to handle all mortalities that occur at all production sites. Mortalities at the Main Site are held on the east end of a freestall barn, behind closed doors, until they can be collected by Sandy Bay Mink Ranch.

Photo 96. The animal mortality holding area at the Main Site, where carcasses are stored until they are picked up by Sandy bay Mink Ranch.

Ancillary Service Areas

Preventative maintenance actions and visual inspections are occurring to minimize pollutant discharges from ancillary service and storage areas (i.e. storm water conveyance systems, driveways, etc.).

Photo 97. The chopped straw pile at the K Farm, located on the south side of the production site.

Photo 98. Blown straw from the pile at the K Farm. This photo was taken facing east.

Photo 99. Blown straw from the pile at the K Farm. This photo was taken facing north.

Photo 100. Blown straw from the pile at the K Farm. This photo was taken facing west.

Photo 101. Blown straw from the pile at the K Farm. This photo was taken facing north.

Photo 102. A surface inlet that accepts runoff from the driveway and straw pile at the K Farm.

Photo 103. The outlet associated with the inlet pictured in Photo 101.

Photo 104. The outlet associated with the inlet pictured in Photo 101. Runoff flows south into the adjacent field, where the flow path terminates.

Photo 105. The feed lane for the southernmost barn at the Longfellow Site. Blown feed was present adjacent to the lane. This photo was taken facing west.

Photo 106. Chopped straw being stored in AgBags on the south side of the production site at the Longfellow Site.

Photo 107. A stormwater surface inlet located between barns at the Longfellow Site. The inlet was clear of debris, with no indications of discharge observed.

Photo 108. A stormwater outlet located on the north side of the production site at the Longfellow Site.

Photo 109. A stormwater outlet located between the calf barns on the south side of the production site at the Main Site. The inlet accepts runoff from the driveway and barn roofs and conveys the runoff to the southern stormwater pond.

Photo 110. The flow path of stormwater on the driveway between the calf barns at the Main Site. Some feed and bedding debris was present within the flow path. This photo was taken facing east.

Photo 111. The flow path of stormwater through bedding debris (sawdust) on the driveway between the calf barns.

Photo 112. The large stormwater pond located north of the calf barns and south of the waste storage facilities at the Main Site. This photo was taken facing east.

Photo 113. An algal bloom present within the large stormwater pond at the Main Site. This photo was taken facing northwest.

Photo 114. The outlet associated with the stormwater inlet pictured in Photo 108. The outlet discharges stormwater in the southeast corner of the large stormwater pond.

Photo 115. A stormwater collection inlet located near the fuel storage area at the Main Site.

Photo 116. A surface inlet located near WSF 1 and WSF 2 at the Main Site. This photo was taken facing south.

Photo 117. The small stormwater pond located on the east side of the production site, adjacent to County Rd D.

Photo 118. The small stormwater pond located on the east side of the production site, adjacent to County Rd D.

Photo 119. Chopped straw stored in AgBags, located on the west side of the production site at the Main Site.

Photo 120. Chopped rye stored in AgBags on an asphalt pad located on the north side of the production site.

Photo 121. Dried organic matter present adjacent to the chopped rye bags pictured in Photo 118. The dried material appeared to be black, consistent with leachate.

Photo 122. Fuel storage at the Main Site, located near the southern feed storage area.

RECORDS REVIEW

The permittee has current WPDES Permit and Nutrient Management Plan onsite.
The permittee provided complete production site inspection records that are required to be retained.
The permittee provided adequate documentation that the facility has a minimum of 180 days of liquid manure storage capacity.
The permittee provided land application records to demonstrate compliance with nutrient management plan requirements.
The permittee has copies of their emergency response and monitoring and inspection plans onsite.
The permittee is up to date on required reporting and actions as specified in the Schedules section of permit.

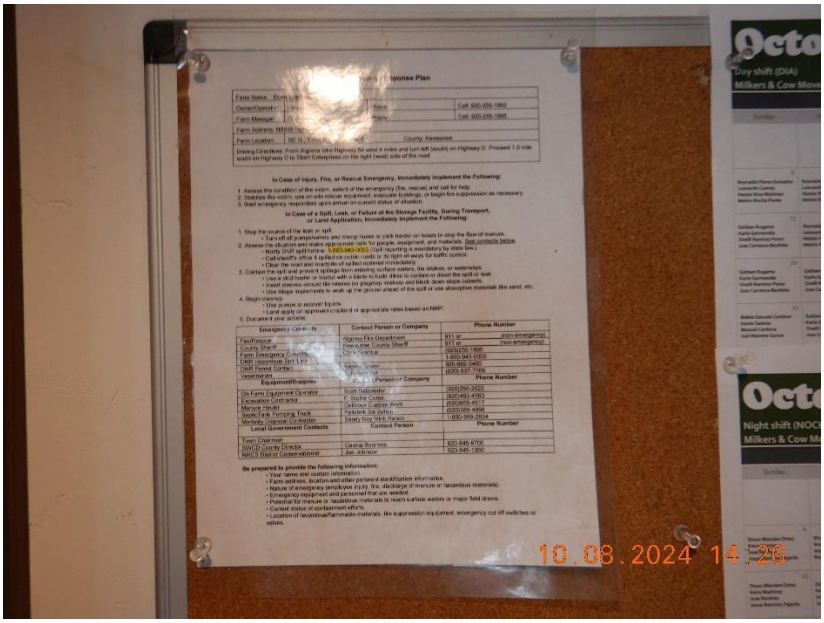


Photo 123. The emergency response plan, displayed in the office at the Main Site.

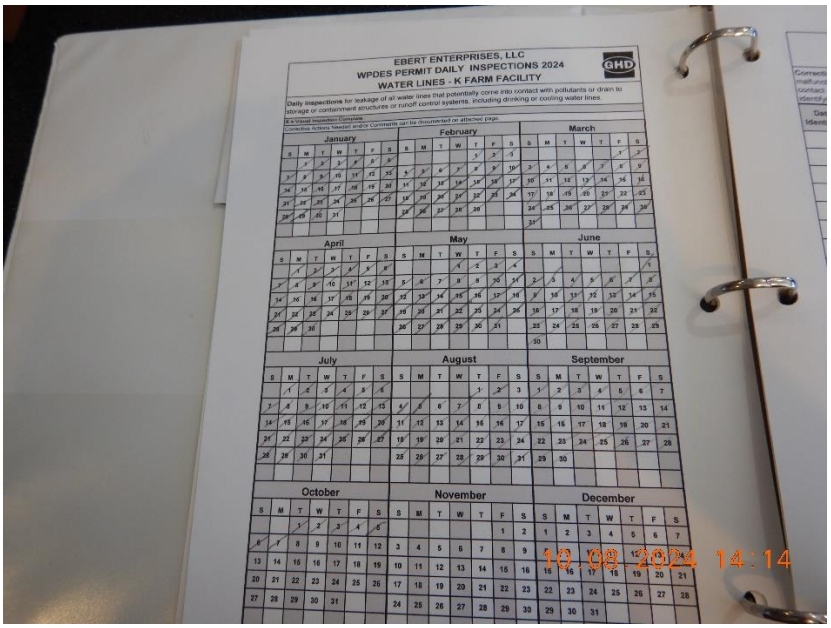
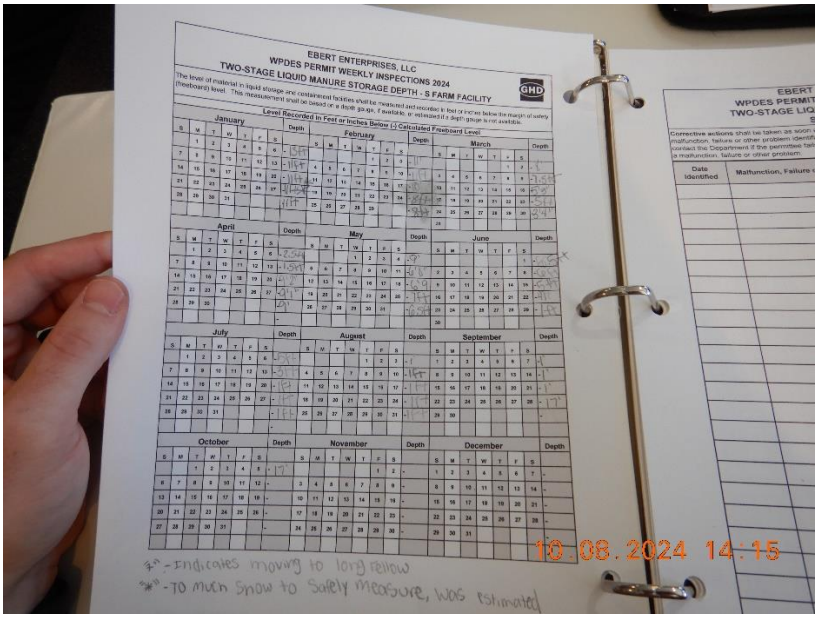


Photo 124. The checklist used to document the monitoring and inspection requirements.

Photo 125. The checklist used to document the manure measurements in the liquid waste storage facilities.



SUMMARY

Substantial Compliance

The permittee is currently not in substantial compliance with the permit due to open enforcement actions.

Areas of Concern

- Seepage of leachate from the perimeter tile line around the southern feed storage area at the Main Site
- Lack of permanent markers within the manure storage facilities at the S Farm
- Erosion within the storage facilities at the S Farm
- Bedding and feed materials present within the driveway between the calf barns at the Main Site
- Blown bedding material at the K Farm
- Small amount of burnout on the VTA at the Main Site

Permit Violations

Permit Section 1.3.2 – Proper Operation and Maintenance - The permittee shall at all times properly operate and maintain all manure and process wastewater facilities and systems in compliance with the conditions of this permit. The permittee shall comply with the permit and s. NR 243.17, including the following requirements:

- 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).

Action Items

- Better housekeeping around the ancillary areas to clean up spilled bedding and feed materials
- Repair broken perimeter tile line around the southern feed storage area at the Main Site
    - Submit documentation of actions taken to repair the tile line to the department by **March 31, 2025**
- Install permanent markers within the waste storage facilities at the S Farm
    - This has been completed by Ebert Enterprises LLC. No further actions are required for this.
- Conduct maintenance actions to repair erosion present with the storage facilities at the S Farm
    - Submit documentation of actions taken to repair the erosion within the storage facilities at the S Farm **by June 30, 2025**
- **Submit a complete permit reissuance application by March 31, 2025.**

Items for Next Permit Term

- Engineering evaluation for WSF 1 at the Main Site
    - Due to the age of the structure, an engineering evaluation will be required.

Materials Required as Part of the Permit Application

Required materials must be submitted together as a complete permit application through the ePermitting System: http://dnr.wi.gov/permits/water/. The system will not allow you to electronically sign and submit your application until all of the following are included:

- 3400-025 form (Livestock/Poultry Operation WPDES Permit Application)
- 3400-025A form (Animal Units Calculation Worksheet)
- 3400-025G form (Evaluated Facilities of Systems Checklist)
- 3400-025C form (Reviewable Facilities of Systems Checklist)
- A soil survey map of the dairy's production area
- A labeled aerial map showing the existing and proposed features and structures of the dairy's production area
- Calculations documenting days liquid manure and process wastewater storage
- Supporting documentation for days storage calculations
- A complete 5-year Nutrient Management Plan (NMP). If necessary, include a description of permanent spray irrigation systems and any other land spreading or treatment systems (proposed or active)
- Plans and specifications for any proposed facilities

CAFO Compliance Report (2/03/2025)

Inspection Date: November 19, 2024

Inspection Type: Permit Reissuance

Operation Name: Ebert Enterprises LLC Tonet Dairy

Operation Address: N7518 Tonet Rd, Luxemburg, WI 54217

On-Site Representative(s): Randy Ebert, owner, Chris Granius, Manager

DNR Staff / Report Writer: James Salscheider, CAFO Compliance and Enforcement Coordinator

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Summary
On Tuesday, November 19, 2024, James Salscheider (Salscheider), WDNR CAFO Compliance and Enforcement Coordinator, and Brittiny Mueller (Mueller), WDNR Agricultural Runoff Management Specialist, met with Randy Ebert (Ebert), owner of Ebert Enterprises LLC Tonet Dairy (Tonet Dairy), and Chris Granius (Granius), manager at Ebert Enterprises LLC, to conduct a comprehensive site inspection as part of the permit reissuance process for Ebert Enterprises LLC. Ebert also owns and operates Ebert Enterprises LLC, which is a separate WPDES permitted operation in Kewaunee County. Ebert Enterprises' WPDES permit will expire on September 30, 2025. Ebert plans to incorporate the Tonet Dairy site into Ebert Enterprises' WPDES permit to operate under one WPDES permit, discontinuing the WPDES permit for Tonet Dairy. The department conducted a comprehensive inspection at Ebert Enterprises LLC on October 8, 2024, which is detailed in a separate report.

Tonet Dairy consists of two production sites that are separated by Tonet Rd. The East Production Site (Old Site) is located at N7518 Tonet Rd, Luxemburg, WI 54217. The East production site consists of one feed storage area, one outdoor concrete feedlot, one animal barn, one milking parlor, one solid manure stacking pad, and three liquid waste storage facilities. The West Production Site (New Site) is located at N7521 Tonet Rd, Luxemburg, WI 54217. The West production site consists of two freestall barns, one milking parlor, and two liquid waste storage facilities. The legal description for the entire operation is SE ¼ NW ¼ (New Site) and NW ¼ and SE ¼ (Old Site) Section 32 T25N R23E, Township of Red River, Kewaunee County. The weather during the inspection was raining and approximately 42° F. It rained approximately 0.18 inches on November 19, 2024.

Aerial Map 1. The aerial map above illustrates surface water in relation to the production sites at Tonet Dairy. Wetlands are represented by the yellow-shaded areas. The aerial image was obtained from the DNR Surface Water Data Viewer.

Aerial Map 2. The aerial map above illustrates the west production site at Tonet Dairy. The site consists of two animal barns, a milking parlor, and two liquid waste storage facilities.

Aerial Map 3. The aerial map above illustrates the east production site at Tonet Dairy. The site consists of a feed storage area, commodity sheds, machine sheds, a solid stacking area, and three liquid waste storage facilities. Animals are no longer houses at the east site.

SITE OBSERVATIONS

Feedlot Runoff

Tonet Dairy no longer utilizes outdoor feedlots. All animals at Tonet Dairy are housed under roof. An abandoned feed lot is present at the east site, which no longer has animals.

Photo 1. The abandoned feedlot located at the East Site. Animals are no longer housed at the East Site.

Calf Hutch Areas

Tonet Dairy does not utilize an outdoor calf hutch areas. All calves are transported to Ebert Enterprises where they are raised.

Waste Storage Facilities

Solid and liquid waste storage facilities are managed to not have current or past indicators of discharges (includes headland stacking sites).
Solid and liquid waste storage structures are well-maintained, in good repair, and in compliance with permit requirements.
Liquid waste storage facilities have permanent markers installed.

At the East production site, Tonet Dairy utilizes three liquid waste storage facilities (WSF) and one solid manure stacking pad. WSF 1 is located north of WSF 2 and east of the existing animal barns. WSF 1 is an in-place earthen storage that accepts process wastewater from the feed storage area. WSF 1 acts as one stage of a three-stage system, connected to WSF 2. WSF 1 construction date is unknown but was last modified in 1995 and last evaluated in 2022. WSF 2 is the largest stage of the three-stage system and accepts runoff from the solid manure stacking area. WSF 2 is located south of WSF 1 and is an in-place earthen storage. WSF 2 construction date is unknown but was last modified in 1995 and last evaluated in 2022. Manure flows from WSF 2 through a 12-inch crossover pipe in the southern berm between WSF 2 and WSF 3. WSF 3 is the smallest stage of the three-stage system and accepts process wastewater from the feed storage area. WSF 3 is an in-place earthen storage that was constructed in 2001 and last evaluated in 2022. WSF 1, 2 and 3 were designed by Kewaunee County Land and Water Conservation Department and NRCS with a calculated usable volume of 6,650,712 gallons. The solid manure stacking pad adjacent to WSF 2 is a concrete pad, approximately 133 feet by 48 feet, with one 7-foot-tall push wall. The pad can store approximately 15,000 cubic feet of solid manure and was designed in 2012. Runoff from the stacking area gravity flows into WSF 2.

At the West production site, Tonet Dairy utilizes two in-place earthen liquid waste storage facilities that operate as a two-stage system that was constructed in 2002. WSF 4 operates as the first stage of the two-stage system and is located east of WSF 5. WSF 4 accepts manure and process wastewater from the freestall barns and milking parlor at the West Site. Manure from WSF 4 flows through a ladder valve and concrete weir to WSF 5. A significant amount of erosion was present within WSF 5 in the berm separating the two storage facilities. WSF 5 acts as the second stage of a two-stage system and accepts manure from WSF 4. The usable capacity between the two storages is 20,709,898 gallons. Permanent markers are present on the ladder weir between the two WSFs. A pump is located within WSF 5 to collect liquid manure for the flush system in the freestall barns at the West Site. Manure is pumped to two blue towers that contain the liquid manure that will be used to flush the alleys in the freestall barns. Animal burrowing was present by both WSF 4 and WSF 5. Both WSF 4 and WSF 5 were evaluated in 2023 in accordance with the compliance schedules in the current permit.

Photo 2. WSF 1, located at the East Site. WSF 1 is located on the east side of the production area, north of WSF 2. Fencing around the storage was in poor repair.

Photo 3. WSF 1, located at the East Site. WSF 1 is located on the east side of the production area, north of WSF 2. Fencing around the storage was in poor repair. This photo was taken facing west.

Photo 4. The weir that connects WSF 1 and WSF 2 at the East Site. This photo was taken facing south.

Photo 5. WSF 2, located at the East Site. WSF 2 is located south of WSF 1 and north of WSF 3. This photo was taken facing west.

Photo 6. WSF 2, located at the East Site. WSF 2 is located south of WSF 1 and north of WSF 3. The PVC pipe pictured in the photo conveys manure to WSF 3. This photo was taken facing west.

Photo 7. WSF 2, located at the East Site. WSF 2 is located south of WSF 1 and north of WSF 3. This photo was taken from the west side of the storage, facing east.

Photo 8. The west side of WSF 2, which has an irregular shape. This photo was taken facing south.

Photo 9. The west side of WSF 2, which has an irregular shape.

Photo 10. WSF 3, located at the East Site. WSF 3 is located south of WSF 2 and accepts runoff from the feed storage area. This photo was taken facing east.

Photo 11. WSF 3, located at the East Site. WSF 3 is located south of WSF 2 and accepts runoff from the feed storage area. This photo was taken facing west.

Photo 12. WSF 3, located at the East Site. The pipe that conveys manure between WSF 2 and WSF 3 can be seen in the photo. This photo was taken facing west.

Photo 13. The solid stacking area located on the south side of WSF 2 at the East Site. Runoff from the stacking area gravity flows into WSF 2.

Photo 14. The flow path of runoff from the stacking area into WSF 2. This photo was taken facing east.

Photo 15. WSF 4 located at the West Site. WSF 4 accepts manure from the freestall barns at the West Site and is located east of WSF 5. This photo was taken facing northwest.

Photo 16. WSF 4 located at the West Site. WSF 4 accepts manure from the freestall barns at the West Site and is located east of WSF 5. This photo was taken facing west.

Photo 17. WSF 4 located at the West Site. WSF 4 accepts manure from the freestall barns at the West Site and is located east of WSF 5. This photo was taken facing southeast.

Photo 18. The berm between WSF 4 and WSF 5 at the West Site. Manure flows through the concrete ladder weird, pictured in the photo. This photo was taken facing southwest.

Photo 19. The concrete ladder weir that conveys manure from WSF 4 to WSF 5. The weir is located on the west side of WSF 4.

Photo 20. The outfall from the ladder weir into WSF 5. Significant erosion was present around the outfall on the east side of WSF 5.

Photo 21. The outfall from the ladder weir into WSF 5. Significant erosion was present around the outfall on the east side of WSF 5. This photo was taken facing south.

Photo 22. WSF 5 located at the West Site. WSF 5 accepts manure from WSF 4 and is located west of WSF 4. This photo was taken facing southeast.

Photo 23. The south side of WSF 5 at the West Site, where the intake and pump for the flush system is located. This photo was taken facing east.

Photo 24. The pump station that collects liquid manure from WSF 5 for the flush system in the freestall barns at the West Site.

Photo 25. Animal burrowing present in the berm around WSF 5.

Photo 26. A silo that stores liquid manure for the flush system at the West Site.

Photo 27. A second silo that stores liquid manure for the flush system at the West Site.

Photo 28. The flush system for the alleys in the freestall barns at the West Site.

Process Wastewater (other than feed storage area leachate/runoff)
Process wastewater sources (milking center, wash water, etc.) are managed to not have current or past indicators of discharges.

All process wastewater generated in the milking parlor at Tonet Dairy is captured and comingled in the manure transfer system, which conveys the process wastewater to existing storage facilities at the West Site where it is stored until land applied.

Feed Storage Area Runoff
Feed storage areas and associated process wastewater (leachate, runoff) are managed to not have current or past indicators of discharges.
Feed storage areas and runoff control systems are not well-maintained, in good repair and in compliance with permit requirements.

Tonet Dairy utilizes one permanent feed storage area located at the East production site, where corn silage and haylage are stored in feed bunkers on a concrete pad. The FSA is approximately 3.4 acres in size. All runoff flows from southwest to northeast where runoff enters a collection inlet and gravity flows into WSF 3 at

the East Site. There were areas in the feed pad where concrete was missing or broken that would require maintenance. Cracks were present in the bunker walls. Leachate was observed seeping through the southern wall along the feed pad, which consists of concrete blocks. Tonet Dairy placed gravel along the southern edge to direct the runoff back onto the concrete feed pad and towards the collection system. Leachate was also observed ponded off the feed storage area, in a grassy area adjacent to the east side of the feed storage area. Evidence of seepage through the wall along the east side of the feed storage area was observed. Maintenance is required to repair the areas where leachate is leaking through the walls around the feed storage area.

Photo 29. The feed storage area at Tonet Dairy, located at the East Site. The yellow arrow represents the flow path of runoff. This photo was taken facing south.

Photo 30. The wall along the west side of the feed storage area at the East Site. The wall was in poor repair, with areas that had cracked or missing concrete.

Photo 31. The wall along the west side of the feed storage area at the East Site. The wall was in poor repair, with areas that had cracked or missing concrete.

Photo 32. The wall along the south side of the feed storage area at the East Site. The wall is comprised of concrete blocks. This photo was taken facing east.

Photo 33. An area where leachate and process wastewater seeps through the southern wall along the feed storage area at the East Site.

Photo 34. The flow path of runoff on the feed storage area at the East Site. This photo was taken facing north.

Photo 35. The flow path of runoff on the feed storage area at the East Site. This photo was taken facing south.

Photo 36. A feed bunker located on the feed storage area at the East Site. Runoff from the bunker flow north. This photo was taken facing north.

Photo 37. The flow path of runoff on the feed storage area at the East Site. This photo was taken facing west.

Photo 38. The flow path of runoff on the feed storage area towards the collection inlet located on the east side of the storage area.

Photo 39. The collection inlet that accepts runoff from the feed storage area and conveys the runoff to WSF 3.

Photo 40. Leachate that seeped through the concrete wall on the east side of the feed storage area. This photo was taken facing south.

Photo 41. Ponded leachate and process wastewater in a grassed area between the feed storage area and WSF 2. Leachate seeped through the wall along the east side of the feed storage area.

Photo 42. Leachate that seeped through the concrete wall on the east side of the feed storage area.

Photo 43. Commodity feed storage located on the northwest corner of the production site at the East Site.

Animal Mortality Disposal

Animal mortalities are managed to not have current or past indicators of discharges.

Tonet Dairy utilizes Sandy Bay Mink Ranch to handle animal mortalities.

Ancillary Service Areas

Preventative maintenance actions and visual inspections are occurring to minimize pollutant discharges from ancillary service and storage areas (i.e. storm water conveyance systems, driveways, etc.).

All stormwater conveyance systems appeared to be managed to prevent discharges of pollutants from the ancillary service and storage areas. Surface inlets appeared to be free of debris. No unapproved manure stacking locations were being used during the inspection.

Photo 44. A grassed swale located between the milking parlor and a freestall barn at the West Site. The blue arrow represents the flow path of stormwater to a collection inlet.

Photo 45. A surface inlet located between the barns at the West Site. The inlet was free of debris.

Photo 46. Outside of a freestall barn at the West Site. Refusal feed is pushed to the push wall in the foreground of the photo.

Photo 47. A small amount of process wastewater present on the back side of the push wall pictured in Photo 46.

Photo 48. A tile inlet located on the northwest corner of the production site at the West Site, identified by the black arrow.

Photo 49. The west side of the northernmost freestall barn at the West Site. A small amount of manure tracking was present during the inspection.

Photo 50. The west side of the southernmost freestall barn at the West Site. A small amount of manure tracking was present during the inspection.

Photo 51. An outlet associated with the stormwater collection inlets at the West Site. The water discharging appeared to be clear, with no indications of contaminants.

Photo 52. The driveway surrounding the milk loading area at the West Site.

Photo 53. A well located on the south side of the West Site that supplies water to the farm.

RECORDS REVIEW
The permittee has current WPDES Permit and Nutrient Management Plan onsite.
The permittee provided complete production site inspection records that are required to be retained.
The permittee provided adequate documentation that the facility has a minimum of 180 days of liquid manure storage capacity.
The permittee provided land application records to demonstrate compliance with nutrient management plan requirements.
The permittee has copies of their emergency response and monitoring and inspection plans onsite.
The permittee is up to date on required reporting and actions as specified in the Schedules section of permit.

SUMMARY

Substantial Compliance
The permittee is in substantial compliance with the permit.

Areas of Concern
Leachate seeping through the south and east wall along the feed storage area
Fencing in disrepair around the storage facilities at the East Site
Broken concrete on the walls on the west side of the feed storage area

Permit Violations
N/A

Action Items
Repair concrete walls around the feed storage area at the East Site to prevent leachate and process wastewater from continuing to seep through the walls

- Submit documentation of actions take to repair the walls around the feed storage area **by August 31, 2025**

Repair the fencing around the storage facilities at the East Site

- Submit documentation of actions taken to repair the fencing **by June 30, 2025**

Items for Next Permit Term
N/A