

Permit Fact Sheet

General Information

Permit Number:	WI-0061671-05-0
Permittee Name:	Heller Farm Inc
Address:	W12465 State Road 95 Alma Center, WI 54611
Permit Term:	April 01, 2025 – March 31, 2030
Discharge Location:	W12465 State Road 95 Alma Center, WI 54611 <i>(NE & NW ¼ of the NW ¼ Sec. 36 T23N R05W)</i>
Receiving Waters:	South Fork Halls Creek within the Halls Creek & Upper Trempealeau River Watersheds, and groundwaters of the state

Animal Units					
Animal Type	Current AU		Proposed AU (No Proposed Expansions)		
	Mixed	Individual	Mixed	Individual	Date of Proposed Expansion
Dairy Calves (under 400 lbs.)	58	0	-	-	-
Milking and Dry Cows	1834	1873	-	-	-
Heifers (400 lbs. to 800 lbs.)	51	85	-	-	-
Heifers (800 lbs. to 1200 lbs.)	56	51	-	-	-
TOTAL	1,999	1,873	-	-	-

Facility Description

Heller Farm Inc is an existing Concentrated Animal Feeding Operation (CAFO) owned and operated by the Heller Family. Heller Farm currently has a total of 1,999 animal units (1,310 milking and dry cows, 136 heifers, and 290 calves) and does not have any plans to increase the number of animal units during the five-year permit term. Based on the current herd size Heller Farm has approximately 189 days of liquid manure storage capacity with the existing waste storage facilities. Heller Farm has approximately 4,087.5 acres included in their nutrient management plan (NMP) that are available for land application of manure and process wastewater, of which 3,979.5 are considered spreadable acres. Of the total acreage, approximately 916.5 are owned and approximately 3,171 are controlled through contracts, rental agreements, or are under manure agreements.

Substantial Compliance Determination

HELLER FARM INC IS IN SUBSTANTIAL COMPLIANCE WITH THE CURRENT PERMIT

Compliance determination entered by Clare Freix, Agricultural Runoff Management Specialist on January 3, 2025 (a summary of permit violations/noncompliance from the current permit term are outlined below)

1. Notice of Noncompliance: October 3, 2019

Permit Section 1.3.1 Proper Operation and Maintenance: *Chemicals and other pollutants may not be added to manure, process wastewater or stormwater storage facilities or treatment systems without prior Department approval.*

- The Department determined that the operation had been accepting offsite industrial waste that was previously approved to be incorporated into the operation's manure digester facility for processing liquid manure. However, the operation had discontinued use of the digester system for processing liquid manure during this time yet continued to accept offsite industrial waste into their other waste storage facilities without Department approval.

Permit Section 1.3.2 Discharge Prevention: *The permittee may not exceed the maximum operating level in liquid storage or containment facilities except as a result of recent precipitation or conditions that do not allow removal of material from the facility in accordance with permit conditions.*

- The operation had reported to the Department on multiple separate occasions around this time that they had exceeded the maximum operating level (MOL) in their waste storage facilities. The operation informed the Department that they were unable to adequately empty their waste storage facilities in Spring of 2019 and also their overall waste generation had increased as a result of a change in animal bedding; both of which had contributed to the recent exceedance in their MOL. However, despite a known decrease in available storage capacity, the operation continued to accept offsite waste and had also limited their land application options for the previous summer by occupying majority of their land base with corn (even though delays in corn harvest had already been anticipated for that year).

Permit Section 1.5.1 General Spreading Restrictions: *(1) Manure or process wastewater may not run off the application nor discharge to waters of the state through subsurface drains due to precipitation or snowmelt except if the permittee has complied with all land application restrictions in NR 243 and this permit, and the runoff or discharge occurs as a result of a rain event that is equal to or greater than a 25-year, 24-hour rain event... (2) Manure or process wastewater may not be applied to saturated soils.*

- On September 15, 2019 the operation reported a spill that had occurred the previous day while applying liquid manure to one of their land application sites. The application of liquid manure to this particular field was not initially planned in the operation's nutrient management plan and the decision to apply was a result of the recent exceedance in their MOL in addition to having limited land application options at this time due to the expected delays in corn harvest. It was estimated that approximately 1,000 gallons of manure left the field boundary entering a ditch and impacting the adjacent road. The operation also reported that soil conditions of this particular field were semi saturated while liquid manure was being applied which may have contributed to the spill.

Close Out Date: October 3, 2019

Compliance Demonstrated: The Department required that the operation stop accepting unapproved offsite waste and the Department has no evidence that the operation has since continued to accept unapproved offsite waste. The operation also followed the necessary reporting requirements upon exceeding their MOL as well as following the land application runoff event and had implemented the necessary clean up actions to address the spill. In addition, the operation has since adjusted their nutrient management planning to ensure they have adequate options for land applications throughout the year in the event of any other unforeseen circumstances.

Sample Point Designation For Animal Waste	
Sample Point Number	Sample Point Location, Waste Type/Sample Contents and Treatment Description (as applicable)
001	WSF 1 (First Stage) - Sample point 001 is for liquid waste storage facility one (WSF 1). WSF 1 is the first stage of a three stage liquid waste storage facility system. WSF 1 is a round concrete lined waste storage facility that has an approximate maximum operating level capacity of 1,796,566 gallons. Plans and specifications for WSF 1 were approved by the Department in 2003 and construction was completed the same year. Liquid manure and parlor wastewater generated by the operation is first processed through the digester facility (sample point 005) before manure solids are separated out within the solids separation system and the remaining digested liquids are transferred to WSF 1.
002	WSF 2 (Second Stage) - Sample point 002 is for liquid waste storage facility two (WSF 2). WSF 2 is the second stage of a three stage liquid waste storage facility system. WSF 2 is a round concrete lined waste storage facility that has an approximate maximum operating level capacity of 3,580,705 gallons. Plans and specifications for WSF 2 were approved by the Department in 2009 and construction was completed the same year. Once WSF 1 (sample point 001) reaches capacity, digested liquid manure overflows from WSF 1 into WSF 2.
003	WSF 3 (Third Stage) - Sample point 003 is for liquid waste storage facility three (WSF 3). WSF 3 is the third stage of a three stage liquid waste storage facility system. WSF 3 is a round concrete lined waste storage facility that has an approximate maximum operating level capacity of 2,244,165 gallons. Plans and specifications for WSF 3 were approved by the Department in 2015 and construction was completed the same year. Once WSF 2 (sample point 002) reaches capacity, digested liquid manure overflows from WSF 2 into WSF 3.
004	WSF 4 - Sample point 004 is for proposed liquid waste storage facility four (WSF 4). WSF 4 is a proposed liquid waste storage facility to be located south of the feed storage area (sample point 010) and will primarily be used to capture and store leachate and feed storage area runoff. Plans and specifications for WSF 4 shall be submitted for Department approval prior to construction and construction shall be completed as approved by the Department. If WSF 4 will be used to permanently address any adverse runoff conditions identified from the engineering evaluation of the feed storage area and associated runoff control system that is required to be completed in accordance with the schedules section of the permit (permit section 2.5), then plans and specifications and construction of WSF 4 shall also be completed in accordance with the schedules section of the permit (permit section 2.5).
005	Digester Facility - Sample point 005 is for the liquid manure digester facility. The digester facility processes liquid manure and parlor wastewater generated by the operation. Digested manure that is processed through the digester facility is transferred to the associated solid separation system where manure solids are separated out to be reused for animal bedding and the remaining digested liquids are transferred to the three stage waste storage facility system. Plans and specifications for the digester facility and associated solid separation system were approved by the Department in 2012 and construction was completed in 2014.
006	Solid Manure Storage - Sample point 006 is for solid manure stacking/storage areas. The designated solid manure stacking areas include (#1) the solid manure stacking area adjacent to the outdoor feedlot, (#2) the solid manure stacking area adjacent to the abandoned calf hutch area, (#3) the solid manure stacking pits located on the north end of the freestall heifer barn, and (#4) the proposed solid manure storage tank to be located at the south end of the dry cow barn. Representative samples shall be taken for solid manure that is directly land applied from each of the solid manure stacking/storage areas. An engineering evaluation of (#1) the solid manure stacking area adjacent to the outdoor feedlot and (#2) the solid manure stacking area adjacent to the abandoned calf hutch area shall be submitted, or these areas shall otherwise be abandoned, in accordance with the schedules section of the permit (permit section 2.3). Plans and specifications for (#4) the proposed

Sample Point Designation For Animal Waste	
Sample Point Number	Sample Point Location, Waste Type/Sample Contents and Treatment Description (as applicable)
	solid manure storage tank were approved by the Department in 2024 and construction shall be completed as approved by the Department.
007	Removed Solids - Sample point 007 is for accumulated manure solids that are removed and directly land applied from any of the liquid waste storage facilities. Representative samples shall be taken for manure solids that are removed from each liquid waste storage prior to land application.
008	Misc. Solids - Sample point 008 is for miscellaneous sources of solid manure, separated solids, manure laden bedding, waste feed, etc. which are directly land applied. Representative samples shall be taken for each solid source that is directly land applied.
009	Headland Stacking Sites - Sample point 009 is for solid manure land applied from approved headland stacking sites. Representative samples shall be taken from each stacking site prior to land application. Stacking sites are defined as part of the production area and therefore are subject to the Production Area Discharge Limitations section of the permit. Weekly inspections of stacking sites are required and shall be recorded according to the Monitoring and Inspection Program.
010	Feed Storage Area & Runoff Controls - Sample point 010 is for visual monitoring and inspection of the feed storage area and associated runoff control system. The feed storage area was constructed in 2001 with a small leachate and feed storage runoff collection tank located off the southeast corner of the storage. The contents of the feed storage runoff collection tank are pumped out and added to the three stage liquid waste storage facility system as needed. Proper operation and maintenance are required to ensure discharges meet permit requirements. Weekly inspections are required and shall be recorded according to the Monitoring and Inspection Program. An engineering evaluation of the feed storage area and associated runoff control system shall be submitted in accordance with the schedules section of the permit (permit section 2.5).
011	Outdoor Lot & Runoff Controls - Sample point 011 is for visual monitoring and inspection of the outdoor concrete lot and associated runoff controls. Proper operation and maintenance are required to ensure discharges meet permit requirements. Weekly inspections are required and shall be recorded according to the Monitoring and Inspection Program. An engineering evaluation of the outdoor lot and associated runoff controls shall be submitted, or the outdoor lot shall otherwise be abandoned, in accordance with the schedules section of the permit (permit section 2.4).
012	Storm Water Runoff Control System - Sample point 012 is for visual monitoring and inspection of all production site storm water conveyance systems. This includes roof gutters and downspout structures, drainage systems, storm water ponds, grassed waterways and any other diversion systems which 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 the Monitoring and Inspection Program.

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 189 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.

Solid Manure Stacking

The operation has proposed to stack solid manure. All stacking of solid manure shall be done in accordance ch. NR 243, Wis. Adm. Code, which includes restrictions from NRCS Standard 313. Stacking of manure is considered to be part of the production area and is subject to the Production Area Discharge Limitations.

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 1,999 animal units (1,310 milking and dry cows, 136 heifers, and 290 calves), it is estimated that approximately 16,380,843 gallons and 667 tons of manure and process wastewater will be produced per year. The permittee owns *approximately* 916.5 acres of cropland and rents about 3,171 acres. Given the rotation commonly used by the permittee, approximately 1,800 to 2,400 acres are planned to receive manure and process wastewater on an annual basis. The permit requires all landspreading of manure and process wastewater be completed in accordance with an approved nutrient management plan. The permit will require sampling and analysis of manure and process wastewater that will be landspread. Landspreading rates must be adjusted based on sample analysis. The permit requires the permittee to maintain a daily log that documents landspreading activities. The permit also requires the submittal of an annual report that summarizes all landspreading activities. Plans must be updated annually to reflect cropping plans and other operational changes. Among the requirements, the plans must include detailed landspreading information including field by field nutrient budgets.

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

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

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

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

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 Liquid Sample Points

Sample Point Number: 001- WSF 1 (First Stage); 002- WSF 2 (Second Stage); 003- WSF 3 (Third Stage); 004- WSF 4; 005- Digester Facility

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	

1.2 Solid Sample Points

Sample Point Number: 006- Solid Manure Storage; 007- Removed Solids; 008- Misc. Solids; 009- Headland Stacking Sites

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	

1.3 Runoff Control Sample Points (No Sampling Required)

Sample Point Number: 010- Feed Storage & Runoff Controls; 011- Outdoor Lot & Runoff Controls; 012- Storm Water Runoff Controls

1.4 Changes From Previous Permit

SATELLITE OPERATIONS

The **Hoffman Farm** (N10813 County Road F, Alma Center, WI) and the **Hart Calf Farm** (W10636 Old Stage Road, Alma Center, WI) were satellite operations covered under the previous permit. However, both of these sites have been sold to separate entities and are no longer affiliated with the operation. Therefore, both the Hoffman Farm and the Hart Calf Farm *have been removed as satellites operations in the proposed permit.*

The operation also obtained ownership of the **Rowekamp Farm** (N10597 Old Stage Road, Alma Center, WI) during the previous permit term, which was to be added as a satellite operation in the proposed permit. However, this site has also been sold to a separate entity and is no longer affiliated with the operation. Therefore, the Rowekamp Farm *has not been added as a satellite operation in the proposed permit as was previously planned.*

The only site that will now be covered under the proposed permit is Cows R Us (main farm) located at W12465 State Road 95 Alma Center, WI.

SAMPLE POINT: 001

Previous Permit: Waste Storage Facility (Second Stage)

Proposed Permit: Waste Storage Facility (First Stage)

Explanation: The second stage waste storage facility at the main farm is now covered under sample point 002 and sample point 001 is applicable to the first stage waste storage facility at the main farm.

SAMPLE POINT: 002

Previous Permit: Waste Storage Facility (First Stage)

Proposed Permit: Waste Storage Facility (Second Stage)

Explanation: The first stage waste storage facility at the main farm is now covered under sample point 001 and sample point 002 is applicable to the second stage waste storage facility at the main farm.

SAMPLE POINT: 003

No Changes – Sample point 003 is still applicable to the Waste Storage Facility (Third Stage) at the main farm.

SAMPLE POINT: 004

Previous Permit: Main Farm & Hoffman Farm Solid Manure Stacking Areas

Proposed Permit: Proposed Waste Storage Facility (WSF 4 – for leachate & feed storage runoff)

Explanation: The Hoffman Farm along with the solid manure stacking area have been removed from the proposed permit and the designated solid manure stacking areas at the main farm are now covered under sample point 006. Sample point 004 is applicable to the proposed waste storage facility to be located at the main farm for leachate and feed storage runoff.

SAMPLE POINT: 005

No Changes – Sample point 005 is still applicable to the Manure Digester Facility (use of which has since resumed for processing liquid manure)

SAMPLE POINT: 006

Previous Permit: Manure Solids Removed From Waste Storage Facility (First Stage)

Proposed Permit: Solid Manure Stacking/Storage Areas

Explanation: Manure solids removed from the first stage waste storage facility are now included under sample point 007 and sample point 006 is applicable to the designated solid manure stacking areas at the main farm.

SAMPLE POINT: 007

Previous Permit: Remaining Manure Solids Removed From Waste Storage Facilities (Second & Third Stage)

Proposed Permit: Manure Solids Removed From Waste Storage Facilities (First, Second & Third Stage)

Explanation: Remaining manure solids removed from the second and third stage waste storage facilities are still included under sample point 007, and sample point 007 now also includes manure solids removed from the first stage waste storage facility.

SAMPLE POINT: 008

Previous Permit: Hart Calf Farm Manure Storage Basin

Proposed Permit: Miscellaneous Solid Manure

Explanation: The Hart Calf Farm and the associated manure storage basin have been removed from the proposed permit and the sample point 008 is now applicable to miscellaneous sources of solid manure generated by the operation.

SAMPLE POINT: 009

Previous Permit: Feed Storage Area & Runoff Controls

Proposed Permit: Headland Stacking Sites

Explanation: The feed storage area and associated runoff control system at the main farm is now covered under sample point 010 and sample point 009 is applicable to solid manure land applied from approved headland stacking sites.

SAMPLE POINT: 010

Previous Permit: Main Farm Outdoor Lot & Runoff Controls

Proposed Permit: Feed Storage Area & Runoff Controls

Explanation: The main farm outdoor feedlot and associated runoff control system is now covered under sample point 011 and sample point 010 is applicable to the feed storage area and associated runoff control system at the main farm.

SAMPLE POINT: 011

Previous Permit: Main Farm Calf Hutch Area (abandoned)

Proposed Permit: Outdoor Feedlot & Runoff Controls

Explanation: The calf hutch area at the main farm has been abandoned and sample point 011 is now applicable the outdoor feedlot and associated runoff control system at the main farm.

SAMPLE POINT: 012

Previous Permit: Hart Calf Farm Outdoor Lot & Runoff Controls

Proposed Permit: Storm Water Runoff Controls

Explanation: The Hart Calf Farm along with the outdoor lot and associated runoff control system have been removed from the proposed permit and sample point 008 is now applicable to the production area storm water runoff controls.

SAMPLE POINT: 013

Previous Permit: Storm Water Runoff Controls

Proposed Permit: N/A

Explanation: Production area storm water runoff controls are now covered under sample point 012 and sample point 013 has been removed from the permit.

2 Schedules

2.1 Emergency Response Plan

Required Action	Due Date
Develop Emergency Response Plan: Develop a written Emergency Response Plan within 30 days of permit coverage, available to the Department upon request.	05/01/2025

2.2 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.	05/31/2025

2.3 Solid Manure Storage & Runoff Controls - Engineering Evaluation or Abandonment

Applicable the solid manure stacking area adjacent to the outdoor feedlot and the solid manure stacking area adjacent to the abandoned calf hutch area (sample point 006)

Required Action	Due Date
Engineering Evaluation: Submit a written report evaluating the existing solid manure storage facilities and that associated runoff control systems and their ability to meet the conditions in the Production Area Discharge Limitations, Manure and Process Wastewater Storage, and Runoff Control subsections and s. NR 243.15, Wis. Adm. Code. (See Standard Requirements for report details.) As an alternative to completing the engineering evaluation and the proceeding permit schedules related to plans and specifications and construction needed to permanently correct any adverse conditions, documentation that the solid manure storage facilities have been permanently abandoned may be submitted instead.	12/01/2025
Plans and Specifications: Submit plans and specifications for Department review and approval in accordance with Chapter 281.41, Wis. Stats., and Chapter NR 243, Wis. Adm. Code, to permanently correct any adverse manure storage and/or runoff control conditions.	07/01/2026
Construction and Post Construction Documentation: Complete construction of the improvements to that permanently correct any adverse conditions in concurrence with and approval by the	12/01/2027

Department, by the specified Date Due. Submit post construction documentation within 60 days of completion of the project.	
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Explanation of Schedule (2.3)

The operation has utilized several areas located at the main farm for stacking/storage of solid manure. Based on the Department’s observations from previous site inspections, an engineering evaluation of two of the existing solid manure stacking areas and the associated runoff control systems located on the east side of the main farm has been included in the schedules section of the permit under permit section 2.3. The Department is also requiring engineering evaluations of these two particular stacking areas on the basis that formal plans and specifications were not previously approved by the Department nor has an engineering evaluation ever been completed for either of these stacking areas to date.

The operation most likely plans to permanently abandon these two solid manures stacking areas, in which case an engineering evaluation would no longer be required if abandonment is completed in accordance with this permit schedule and the associated deadlines.

2.4 Outdoor Lot & Runoff Controls - Engineering Evaluation or Abandonment

Applicable to the outdoor lot and associated runoff control system (sample point 011)

Required Action	Due Date
<p>Engineering Evaluation: Submit a written report evaluating the existing outdoor lot and associated runoff control system and their 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.)</p> <p>As an alternative to completing the engineering evaluation and the proceeding permit schedules related to plans and specifications and construction needed to permanently correct any adverse conditions, documentation that the outdoor lot has been permanently abandoned may be submitted instead.</p>	12/01/2025
<p>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.</p>	07/01/2026
<p>Construction and Post Construction Documentation: Complete construction of the improvements 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.</p>	12/01/2027

Explanation of Schedule (2.4)

The operation has utilized an existing outdoor concrete feedlot located at the main farm. Based on the Department’s observations from previous site inspections, an engineering evaluation of the outdoor feedlot and the associated runoff control system located on the east side of the main farm has been included in the schedules section of the permit under permit section 2.4. The Department is also requiring an engineering evaluation of the feedlot and associated runoff controls on the basis that formal plans and specifications were not previously approved by the Department nor has an engineering evaluation ever been completed to date.

The operation most likely plans to permanently abandon the existing outdoor feedlot, in which case an engineering evaluation would no longer be required if abandonment is completed in accordance with this permit schedule and the associated deadlines.

2.5 Feed Storage & Runoff Controls - Engineering Evaluation

Applicable to the feed storage area and associated runoff control system (sample point 010)

Required Action	Due Date
Engineering Evaluation: Submit a written report evaluating the existing feed storage area and the associated runoff control system and their ability to meet the conditions in the Production Area Discharge Limitations and Runoff Control subsections and NR 243.15, Wis. Adm. Code. (See Standard Requirements for report details.)	12/01/2025
Plans and Specifications: Submit plans and specifications for Department review and approval to permanently correct any adverse conditions identified as part of the engineering evaluation for the feed storage area in accordance with Chapter 281.41, Wis. Stats., and Chapter NR 243, Wis. Adm. Code.	07/01/2026
Construction and Post Construction Documentation: Complete construction of the improvements that permanently correct any adverse conditions in concurrence with and approval by the Department, by the specified Date Due. Submit post construction documentation within 60 days of completion of the project.	12/01/2027

Explanation of Schedule (2.5)

Based on the Department’s observations of the existing feed storage area and the associated runoff control system during previous site inspections, in addition to the age of the feed storage and associated runoff controls, an engineering evaluation has been included in the schedules section of the permit under permit section 2.5.

2.6 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.	01/31/2026
Submit Annual Report #2: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2027
Submit Annual Report #3: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2028
Submit Annual Report #4: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2029
Submit Annual Report #5: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2030
Ongoing Annual Reports: Continue to submit Annual Reports until permit reissuance has been completed.	

2.7 Nutrient Management Plan

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

Required Action	Due Date
Submit NMP Update #1: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2026

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

2.8 Submit Permit Reissuance Application

Required Action	Due Date
Reissuance Application: Submit a complete permit reissuance application 180 days prior to permit expiration.	10/01/2029

Attachments:

Sample Point Map
 Reissuance Inspection Report
 Five-Year NMP Conditional Approval Letter
 180 Day Liquid Manure Storage Review Letter
 Public Notice

PERMIT APPLICATION: (links provided – or search at the following webpage using the codes listed below <https://permits.dnr.wi.gov/water/SitePages/Permit%20Search.aspx>)

- **WPDES Permit Application:** [AG-APP-WC-2023-27-X11-02T11-54-40](#)
- **Five-Year Nutrient Management Plan:** [AG-NMP-WC-2023-27-X11-02T11-54-40](#)
- **180 Day Liquid Manure Storage Calculations:** [AG-PNS-WC-2023-27-X11-02T11-54-40](#)

Expiration Date:

March 31, 2030

Prepared By: Clare Freix, Agricultural Runoff Management Specialist
Date: February 6, 2025



April 26, 2024

FILE REF: R-2023-0252
 WPDES Permit #: WI-0061671

Cody Heller
 Heller Farm Inc.
 P.O. Box 87
 Alma Center, WI 54611

Subject: Days of Storage Review for Heller Farm Inc. in T23N, R05W, Section 36, Garden Valley Township, Jackson County – NO ADDITIONAL ACTION REQUIRED

Dear Mr. Heller:

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 by Douglas Gatrell, P.E. and Jen Keuning, GHD Services Inc. on November 2, 2023 with revisions through April 17, 2024 on behalf of Heller Farm Inc.

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 Heller Farm Inc. has 189 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 current number of animal units provided for the calculation is 1,999. There is currently no expansion planned. The liquid waste volumes are based on the NRCS spreadsheet and other estimated or calculated values. The liquid waste volumes are based upon a collection period of 365 days. The Farm has some runoff controls for the feed storage area as a first flush system. The Farm is planning to install a leachate collection basin during the next permit term. There is full collection of the Hart Farm concrete barnyard that is accounted for. Solids separation is calculated based on a manure solids content of 12% and a separation efficiency of 75%. Waste storages are concrete lined and therefore no accumulated solids are accounted for in the structures.

Total Liquid Waste Storage:	9,663,261 gallons
Total Solids Storage:	0 gallons
Total 25-yr, 24-hr Precipitation on Storage:	310,036 gallons
Total 25-yr, 24-hr Collected Runoff:	35,500 gallons
Total Freeboard Volume:	850,401 gallons
Total MOL Liquid Waste Storage:	8,467,324 gallons

Liquid Manure:	14,594,890 gallons
Milkhouse Wastewater:	2,800 gallons
Total Feed Storage Leachate:	299,200 gallons
Total Feed Storage Runoff Collected:	1,364,040 gallons
Hart Farm Concrete Barnyard Runoff Collected:	111,244 gallons

Net Precipitation on Storage Surfaces:	1,286,751 gallons
Solid Waste Removed:	- 1,287,819 gallons
Total Liquid Waste Stored Below the MOL:	16,371,106 gallons

Should you have any questions, please contact Rob Davis, 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



Rob Davis, P.E.
Water Resources Engineer
Watershed Management Program

Email: Cody Heller; Heller Farm Inc.
(715) 896-2301; cody@cwagservices.com

Clare Freix; DNR, West Central Region
(715) 492-4465; Clare.Freix@wisconsin.gov

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

Bradley Johnson; DNR, West Central Region
(715) 340-5281; BradleyA.Johnson@wisconsin.gov

Doug Gatrell; GHD Services Inc.
(248) 893-3411; doug.gatrell@ghd.com

Ashley Scheel; DNR, Central Office
(608) 261-6419; ashley.scheel@wisconsin.gov

Gaylord Olson; Jackson County
(715) 284-0256; gaylord.olsonII@co.jackson.wi.us

Rob Davis, P.E.; DNR, Central Office
(608) 225-2720; Robert.Davis@Wisconsin.gov

Bradley Mathson; Agronomist, Allied Coop
(715) 896-9355; bmathson@provisionpartners.coop



June 20th, 2024

Jackson County
Approval

Cody Heller
Heller Farm Inc
PO Box 87
Alma Center, WI 54611

SUBJECT: Conditional Approval of Heller Farm Inc Nutrient Management Plan, WPDES Permit No. 0061671-05-0

Dear Cody Heller:

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

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

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

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

FINDINGS OF FACT

The Department confirms that:

1. A current dairy herd size of 1,999 animal units (1,310 milking & dry cows, 136 heifers, and 290 calves). Currently there are no planned expansions in the next permit term.
2. Manure generation and spreading records indicate your herd will annually generate approximately 16,380,843 gallons of manure and process wastewater and 667 of solid manure in the first year of the permit term.
3. The use of application restriction options 1, 2 & 5 within surface water quality management areas.
4. The use of phosphorus delivery method P Index.
5. That Heller Farm Inc currently has 4,087.5 acres (916.5 owned and 3,171 controlled through contracts, rental agreements or leases, or under manure agreements) of which 3,979.5 are spreadable acres.

6. That some fields included in the NMP are directly adjacent to or have high potential to deliver nutrients and sediment to Hayden Creek, Trempealeau River & Cisna Creek (listed 303(d) impaired water by ‘total phosphorus’).
7. That some fields included in the NMP are directly adjacent to or have high potential to deliver nutrients and sediment to outstanding/exceptional waters including North Branch Trempealeau River & Tank Creek.
8. That 12 fields are tiled.

- 03	- 30	- 31	- 32
- 33	- 35	- 36	- 37
- 39	- 41	- 204	- 209
9. That all fields will be checked for the following features prior to/during manure or process wastewater applications: soil areas with possible shallow groundwater (i.e., within 24 inches of surface) at the time of manure application; required setbacks associated with wells, navigable waters, conduits to navigable waters, grassed waterways, wetlands, possible soil erosion/flow channels.
10. That surface applications of manure will not be completed when precipitation capable of producing runoff is forecasted within 24 hours of the time of planned application.

CONDITIONAL NUTRIENT MANAGEMENT PLAN APPROVAL

The Department hereby approves the 2024-2028 Heller Farm Inc 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 Site Name-Field Name	DNR #
160	Alma Wastewater Treatment Facility	160-1	119730
252	Alma Center Wastewater Treatment Facility	AC-1	11044
253	Wazee Area Wastewater Commission	BL=44929	103991
253	Wazee Area Wastewater Commission	BL-44960	76501
317	Wazee Area Wastewater Commission	BL-1A	103819
317	Wazee Area Wastewater Commission	BL-1B	38205
318	Alma Wastewater Treatment Facility	318-1	119728
318	Alma Wastewater Treatment Facility	318-2	119729

Prior to any manure applications on these fields Heller Farm Inc 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 Heller Farm Inc 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: Heller Farm Inc is responsible for obtaining nutrient content values for all other wastes spread on any field in their NMP.

3. If existing fields yield a soil test results equal to or greater than 200 ppm P, those fields would be prohibited from receiving manure or process wastewater applications, unless you obtain Department approval in accordance with NR 243.14(5)(b)2., Wis. Adm. Code.
4. All liquid manure samples collected may be analyzed, at a minimum, for percent dry matter, total nitrogen, percent NH₄-N, percent NO₃-N, phosphorus, potassium, and sulfur.
5. If manure sample results have a dry matter (DM) content less than 2.0% and the percent ammonium (NH₄⁺) is greater than 75% of the total N, Heller Farm Inc may use the following equation to adjust the first year available nitrogen when applications are injected or incorporated within 1 hour:

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

6. Heller Farm Inc shall record daily manure applications by using form 'Heller Farms Manure Application Log'. These forms shall be retained at the farm and provided to the department upon request.
7. Heller Farm Inc shall annually submit a spreading report that summarizes the land application activities listed under NR 243.19(3)(c)5., Wis. Adm. Code by using form 'CAFO Annual Spreading Report' as generated by Snap Plus.

WINTER SPREADING

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

- 03	- 41	- 42
- 165	- 168	- 170
- 202	- 204	
10. 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.
11. Winter applications of liquid manure shall only occur under emergency situations, after notifying the Department and receiving verbal approval.
12. 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

13. The following headland stacking sites are approved for use with greater than 32% solids only:

- Dhuyvetter 500	- Scholze 501
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All sites are subject to the following requirements:

- Sites may be used 1 out of every 2 years, stacking period may not exceed 8 months.
- Sites may be used during February and March, or any period of the year when the ground is not frozen, or snow covered.

MANURE & PROCESS WASTEWATER IRRIGATION

14. Irrigation of manure or process wastewater is prohibited.

SUBMITAL AND RECORDKEEPING REQUIREMENTS

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

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

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

If you have any questions regarding this approval, I can be reached at 608-212-8460 or Ashley.Scheel@Wisconsin.gov.

Sincerely,



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

cc:

Clare Freix, WDNR Agricultural Runoff Specialist (Claire.Freix@Wisconsin.gov)
Brad Johnson, WDNR Watershed Field Supervisor (Bradley.Johnson@Wisconsin.gov)
Christopher Clayton, WDNR Runoff Management Section Chief (Christopherr.Clayton@Wisconsin.gov)
Tyler Dix, WDNR CAFO Program Coordinator (Tyler.Dix@Wisconsin.gov)
Aaron O'Rourke, WDNR Nutrient Management Program Coordinator (Aaron.Orourke@Wisconsin.gov)
Falon French, WDNR Intake Specialist (Falon.French@Wisconsin.gov)
Rob Davis, WDNR CAFO Engineer (Robert.Davis@Wisconsin.gov)
Gaylord Olsen, Jackson County Conservationist (gaylord.olsonII@co.jackson.wi.us)
Bradley Mathson, Allied Cooperative (Bmathson@provisionpartners.coop)
File



November 20, 2023

WPDES Permit No. WI-0061671-04

Cody Heller
Heller Farm Inc
PO Box 87
Alma Center, WI 54611

Subject: October 26, 2023 Reissuance Inspection Report – Response Requested

Dear Mr. Heller:

On October 26, 2023 the Department met with you at your operation, Heller Farm Inc, to conduct a full site inspection for permit reissuance. Department observations and a record of our conversation is included in the enclosed report.

A WPDES permit reissuance application was submitted through the Department's ePermitting System on November 1, 2023 and additional information was requested by the Department on November 14, 2023. Please be sure to address the additional information requested within the enclosed request for information letter by the deadline provided. The summary section of the enclosed report also includes additional action items to be completed by the farm. Please refer to the enclosed report for all other action items and associated deadlines.

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

Clare Freix
Agricultural Runoff Specialist
Phone: (715) 492-4465
Email: Clare.Freix@Wisconsin.gov

Enc: October 26, 2023 Reissuance Inspection Report
November 14, 2023 WPDES Permit Application Request For Information

Cc: Falon French, Sonya Ponzi – WDNR
Jen Keuning – GHD Services
Brad Mathson – Allied Coop
Gaylord Olson – Jackson County Land Conservation Department

CAFO Compliance Report (November 20, 2023)



Inspection Date: October 26, 2023

Inspection Type: Reissuance Inspection

Operation Name: Heller Farm Inc

WPDES Permit No: WI-0061671-04-0

Operation Address :

Cows R Us (Main Farm): W12465 State Road 95 Alma Center, WI 54611 (NE & NW ¼ of the NW ¼ Sec. 36 T23N R05W)

Hart Calf Farm: W10636 Old Stage Road, Alma Center, WI 54611 (NW ¼ of the SE ¼ Sec. 23 T23N R05W)

Rowekamp Farm: N10597 Old Stage Road, Alma Center, WI 54611 (SE ¼ of the SW ¼ Sec. 23 T23N R05W)

Hoffman Farm (Abandoned): N10813 County Road F, Alma Center, WI 54611 (NE ¼ of the NW ¼ Sec. 19 T23N R04W)

On Site Representatives: Cody Heller & Shane Heller (Heller Farm Inc), Brad Mathson (Allied Coop), Jen Keuning (GHD Services)

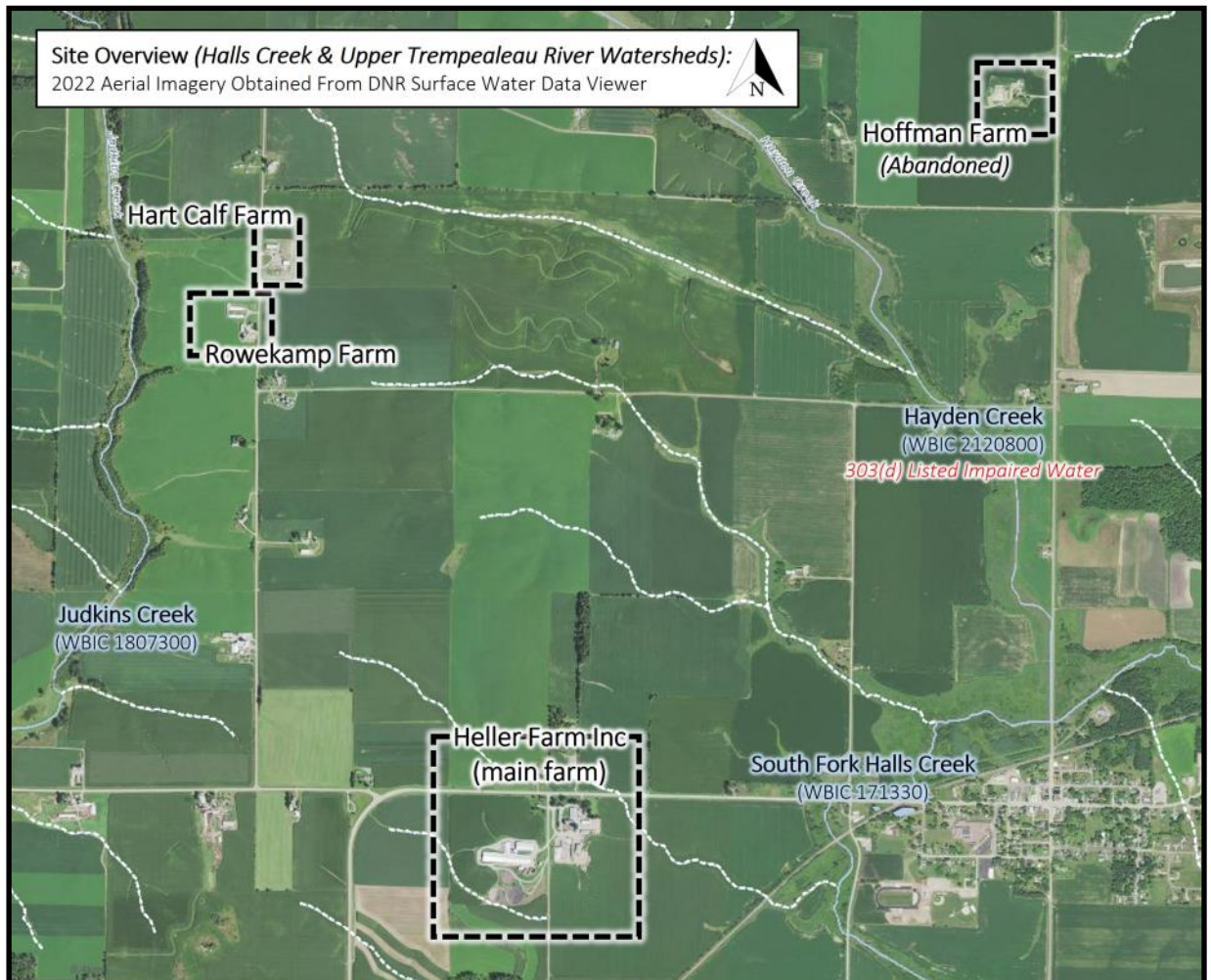
DNR Staff/Report Writer: Clare Freix, Agricultural Runoff Specialist

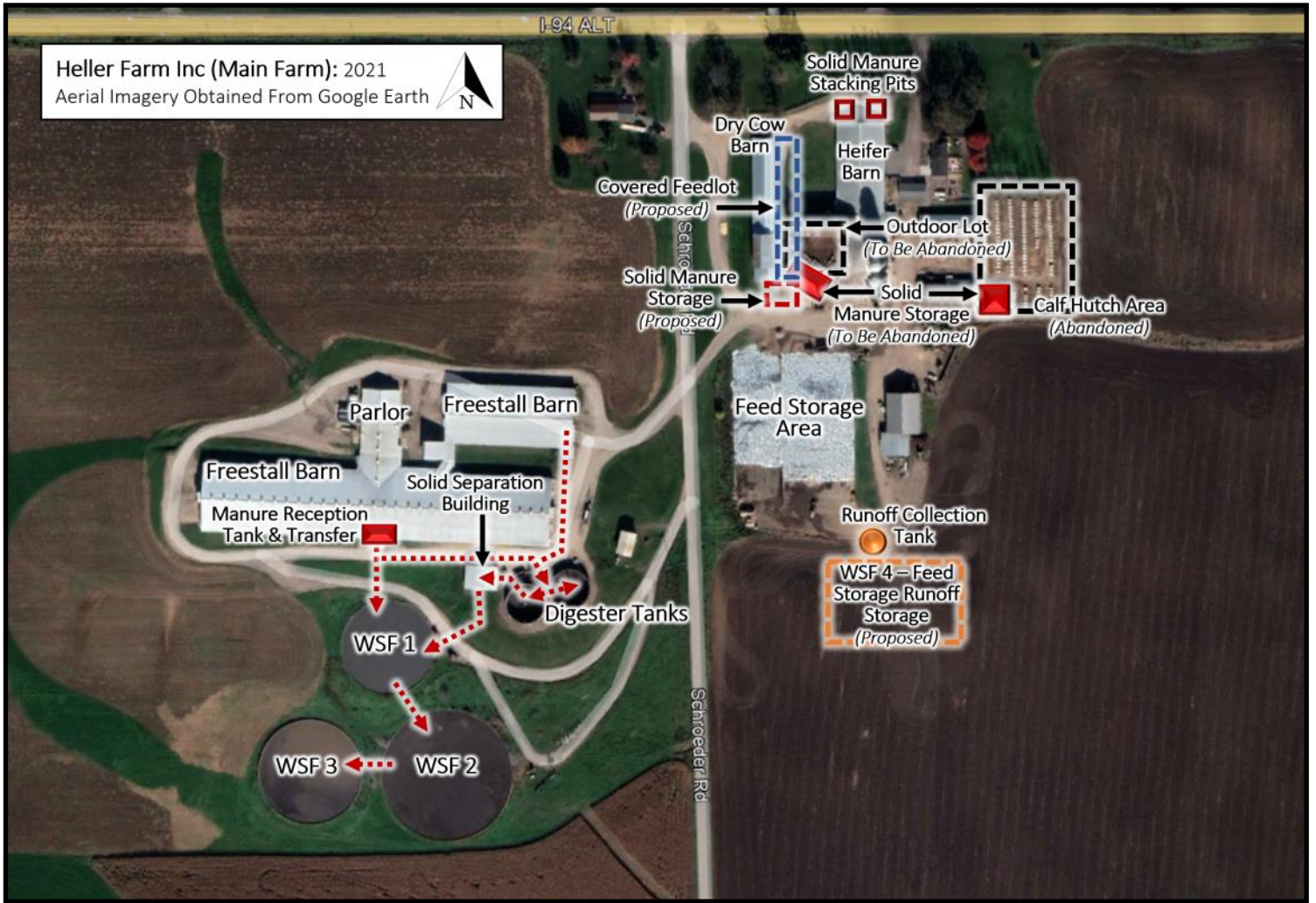
BACKGROUND

Heller Farm Inc obtained coverage under their first WPDES permit on March 13, 2001, which was reissued on January 1, 2006 and again on January 1, 2011. The operation's fourth and current permit was reissued on May 1, 2019 and is set to expire on April 30, 2024.

On October 26, 2023 at approximately 10:00 AM, Clare Freix met with Cody Heller, Shane Heller, Brad Mathson, Jen Keuning, and Gaylord Olson (Jackson County Land Conservation Department) on site at the main farm. The purpose of the site visit was to conduct a full compliance inspection for permit reissuance. Weather conditions were rainy with temperatures in the mid 50s. Approximately 3-4 inches of precipitation had occurred within 72 prior to the inspection.

SITE OVERVIEW







Hoffman Farm: All facilities at the Hoffman Farm have been abandoned and the operation no longer maintains ownership or management of the site. Therefore, the Hoffman Farm will be removed as a satellite operation in the reissued permit.

SITE OBSERVATIONS

Feedlot Runoff

Main Farm: The operation utilizes an outdoor concrete feedlot located on the north east side of the main farm. The feedlot was put in place sometime before 2000, prior to the operation obtaining WPDES permit coverage, and does not have a designed runoff control system in place. There is no record of Department approved plans and specifications for the outdoor lot and associated runoff control system nor is there record that an engineering evaluation was ever completed. Feedlot runoff exits the south east corner of the lot where it proceeds east into a field and either diverts through the field to the south or continues through a highly concentrated waterway which runs east through the field toward an unnamed tributary to the South Fork of Halls Creek.

During the inspection, the operation informed the Department of plans to abandon the outdoor lot and construct a covered feedlot along the adjacent barn to be used in its place. If the covered feedlot has not been installed and/or the existing lot abandoned prior to permit reissuance, then an engineering evaluation and/or deadline to complete abandonment of the existing lot will be included in the schedules section of the reissued permit.

Photo 1 (Right): Looking north east toward the outdoor concrete feedlot at the main farm. The operation plans to construct a covered feedlot, at which point this lot will be abandoned.





Photo 2 (Top Left): Looking north toward the western end of the outdoor feedlot at the main farm. The operation plans to construct the proposed covered feedlot over this portion of the existing lot which will extend north along the adjacent barn.

The operation once utilized an outdoor concrete calf hutch area located on the north east side of the main farm. However, all calves previously housed in calf hutches at the main farm are now housed within covered facilities at the Rowekamp Farm (which was recently acquired by the operation) and the calf hutch area at the main farm has since been abandoned.

Photo 3 (Right): Looking across the calf hutch area at the main farm. All calf hutches have been completely depopulated and the operation has discontinued use of the calf hutch area.



Photo 4 (Bottom Left): Looking east at the runoff spreader bar located along the east edge of the abandoned calf hutch area pictured in photo 3. Runoff from the surrounding area can still be seen pooling in front of the concrete spreader bar. The observed material was cloudy and greenish brown in color.

Hart Calf Farm: The operation utilizes an outdoor concrete feedlot located at the Hart Calf Farm. An engineering evaluation of the outdoor feedlot and associated runoff control system was completed in accordance with permit section 2.3 within the schedules section of the current permit. The Department completed its review of the evaluation on December 21, 2021, however, the review letter only mentioned the Hart Calf Farm manure storage facility and did not clearly specify whether

further actions are required for the outdoor lot and/or associated runoff control system. The Department later rereviewed the evaluation and determined no further actions are required for the outdoor lot and associated runoff control system.



Photo 5 (Left): Looking east across the outdoor feedlot at the Hart Calf Farm from the west end of the lot. The outdoor lot slopes east, directing runoff into the concrete manure stacking basin located directly off the east end of the feedlot (pictured in photo 11).

Photo 6 (Right): Looking west across the outdoor feedlot at the Hart Calf Farm from the east end of the lot. Feedlot runoff can be seen accumulating at this end where it then flows into the manure stacking basin located off the west end of the lot (pictured in photo 11).



Rowekamp Farm: All calves previously housed within the abandoned calf hutch area at the main farm are now housed at the Rowekamp Farm within one of the two barns under a roof. There are no outdoor feedlots located at this site.

Waste Storage Facilities

Main Farm: The operation utilizes a three stage liquid waste storage facility system at the main farm. The first stage of the three stage system (WSF 1) is a concrete lined waste storage facility that was constructed in 2003 with an approximate maximum operating (MOL) capacity of 1,796,566 gallons. Plans and specifications for WSF 1 were approved by the Department on August 14, 2003 and there is no record of post construction documentation being submitted. The second stage (WSF 2) was constructed in 2009 with an approximate MOL capacity of 3,580,705 gallons. Plans and specifications for WSF 2 were approved by the Department on April 1, 2009 and post construction was submitted to the Department on April 12, 2010. The third stage (WSF 3) was constructed in 2015 with an approximate MOL capacity of 2,244,165 gallons. Plans and specifications for WSF 3 were approved by the Department on September 17, 2015 and there is no record of post construction documentation being submitted.

The operation also has plans to construct a proposed liquid waste storage facility (WSF 4) at the south end of the feed storage area to capture and store leachate and feed storage area runoff. A deadline to submit plans and specifications and/or to complete construction of WSF 4 will be included in the schedules section of the reissued permit.

The operation also utilizes a two tank manure digester facility located at the main farm, which was constructed in 2014 along with the associated solid manure separation building. Plans and specifications for the digester facility and solid separation system were approved by the Department on August 1, 2012 and there is no record of post construction documentation being submitted. Use of the digester facility was previously discontinued during the last several years in which the tanks were only used for additional emergency waste storage. However, the operation intends to resume use of the digester facility and are now in the process of constructing/reinstalling the necessary components to prepare the digester for continued use. While on site the operation explained that current construction activities related to preparing the digester for continued use will not result in any substantial changes to the digester facility that were not previously approved by the Department. The operation anticipates that the digester facility will once again be functional and ready for use starting December of 2023.

Once the digester becomes functional again, all liquid manure and parlor wastewater generated within the two freestall barns and milking parlor located on the west side of the main farm will be directed into the manure reception tank at the south end of the freestall barns. The contents of the reception tank will then be transferred to the digester facility. Once processed

through the digester facility, digested manure will be transferred to the solid manure separation building where manure solids will be separated out. Separated manure solids will be returned to the barns to be utilized for bedding and all remaining liquids will be transferred to WSF 1. Once WSF 1 approaches MOL capacity, the contents of WSF 1 overflow into WSF 2, and as WSF 2 approaches MOL capacity, the contents of WSF 2 eventually overflow into WSF 3.



Photo 7 (Left): Looking north toward the two manure digester tanks at the main farm.

Photo 8 (Right): Looking south east toward the three stage liquid waste storage facility system at the main farm. The first stage is pictured left, the second stage is pictured back center, and the third stage is pictured right.

The operation also utilizes two solid manure storage areas located at the north east side of the site, neither of which have a designed runoff control system in place. There is no record of Department approved plans and specifications for the either of the solid manure storage areas and associated runoff control systems nor is there record that an engineering evaluation

was ever completed for these facilities. Runoff which exits each of the solid manure storage areas proceeds east into a field and either diverts through the field to the south or continues through a highly concentrated waterway which runs east through the field toward an unnamed tributary to the South Fork of Halls Creek. The operation is currently in the process of abandoning the solid manure storage area located near the south west corner of the already abandoned calf hutch area. The operation also has plans to construct a new solid manure storage area near the south end of the dry cow barn, at which point the other solid



manure storage area located south of the outdoor lot will be abandoned as well.

An engineering evaluation and/or deadline to complete the abandonment of the two solid manure storage areas and associated runoff control systems will be included in the schedules section of the reissued permit (if not already abandoned prior to permit reissuance). A deadline to submit plans and specifications and/or to complete construction of the proposed solid manure storage facility will also be included in the schedules section of the reissued permit.



Photo 9 (Left): Looking into the solid manure storage area located at the south end of the outdoor feedlot at the main farm. The operation plans to construct a new solid manure storage facility near this same area, at which point this solid manure storage will be abandoned.

Photo 10 (Right): Looking into the solid manure storage area located at the south west corner of the abandoned calf hutch area at the main farm. The operation plans to abandon this solid manure storage area as well.



The operation also utilizes two concrete solid manure stacking pits at the corners of the north end of the heifer barn on the north east side of the site. The stacking pits are internally drained and used to temporarily stage solid manure.

Solid manure generated on the north east side of the site within the dry cow barn, heifer barn, and outdoor lot (to be replaced with a proposed covered feedlot) is temporarily staged within the manure stacking pits at the north end of the heifer barn or is otherwise stored within the existing solid manure storage areas (to be replaced by a proposed solid manure storage facility). Solid manure from the stacking pits and solid manure storage facility on the north east side of the site will be routinely hauled to the freestall barn reception tank on the west side of the site so that it can be processed through the digester facility and then separated back out through the solid separation system.

Hart Calf Farm: The operation utilizes a single concrete storage basin for solid manure generated within the outdoor feedlot at the Hart Calf Farm. The storage basin also captures and stores contaminated runoff from the outdoor lot. An engineering evaluation of the manure storage basin was completed in accordance with permit section 2.3 within the schedules section of the current permit. The Department completed its review of the evaluation on December 21, 2021 and determined that a well waiver must be submitted for an adjacent well located within 250 feet of the storage basin. The operation submitted a well waiver on January 10, 2022, which is still pending Department. Any further actions determined as needed from the Department's review of the waiver request will be included in the schedules section of the reissued permit.



Photo 11 (Top Left): Looking north into the solid manure storage facility and feedlot runoff basin at the Hart Calf Farm. The storage basin had reached capacity at the time of the inspection.

previously a hog operation. Therefore, the two barns now utilized to house calves at this site have slatted floors with concrete underbarn waste storage tanks. The waste generated at this site is primarily solid, and solid manure generated within the calf barns is directly land applied when conditions allow. Any liquids generated within the barns is captured and stored within the underbarn storage tanks. The contents of the tank are removed through various pump out points and then directly land applied.



Photo 12 (Right): Looking inside one of the two calf barns at the Rowekamp Farm. The barns have slatted floors with concrete underbarn storage tanks.



Photo 13 (Bottom Left): Looking into one of the access points to the underbarn storage tanks for the calf barns at the Rowekamp Farm. Liquid manure captured within the underbarn tanks is pumped out from these access points and then land applied.

The operation also intends to utilize approved headland stacking sites for temporary solid manure storage if needed.

Feed Storage Area Runoff

Main Farm: The operation utilizes a concrete feed storage area located on the north east side of the main farm, which was constructed sometime around 2001. Plans and specifications for the feed storage area and associated runoff control system were approved by the Department on March 5, 2001 and there is no record of post construction documentation being submitted.

The feed storage primarily slopes south, directing majority of leachate and feed storage area runoff toward a small collection tank located near the south east corner of the feed storage. Some portions near the north end of the feed storage area may slope toward the north, in which case some leachate and feed storage runoff may also exit the north side of the feed storage. Leachate and feed storage runoff which exits the north side of the feed storage would either divert south through the adjacent field or proceed through a highly concentrated waterway which runs east through the field toward an unnamed tributary to the South Fork of Halls Creek. Tile lines also run underneath the feed storage which capture leachate and feed storage runoff. The contents of the tile lines outlet along the east side of the feed storage and proceed south toward the collection tank. The operation empties and hauls the contents of the collection to storage on an as needed basis. Excess feed storage runoff which overflows from the collection tank proceeds through the adjacent field to the south.

An engineering evaluation of the existing feed storage area and associated runoff control system will be included in the schedules section of the reissued permit. The operation also has plans to upgrade the existing feed storage runoff control system to provide total containment of the 25 year 24 hour storm event, which will include proposed WSF 4 to capture and store leachate and feed storage runoff. A deadline to submit plans and specifications and/or to complete construction for the upgraded runoff control system, including WSF 4, will also be included in the schedules section of the reissued permit.

Photo 14 (Left): Looking east across the south end of the feed storage area at the main farm. The operation plans to construct the proposed WSF 4 off this end of the feed storage to store leachate and feed storage runoff collected by the upgraded feed storage runoff control system.



Photo 15 (Right): Looking north along the western edge of the feed storage area. Leachate and feed storage runoff which exits this edge of the storage proceeds east along the south edge of the feed storage area.



Photo 16 (Top Left): Looking east along the outside south edge of the feed storage area. The feed storage runoff seen discharging around the feed storage in photo 15 can be seen flowing east along this edge toward the area where the runoff collection tank is located (pictured in photo 19).

Photo 17 (Right): Looking at an outlet to a tile line or culvert which runs underneath the feed storage area just off the east side of the feed storage. The contents discharging from this outlet mainly flow south toward the runoff collection tank near the south east corner of the feed storage. However, some of the material from this outlet can also be seen along the east edge of the feed storage heading north.



Photo 18 (Bottom Left): Looking north along the eastern edge of the feed storage area from a culvert inlet on the south east corner of the feed storage. The culvert outlets into the field directly south of the feed storage area where the runoff collection tank is located (pictured in photo 19). An outlet to another tile line that runs underneath the feed storage can be seen in this area, which discharges into the culvert.

Photo 19 (Right): Looking at the outlet to the culvert at the south east corner of the feed storage (pictured in photo 18). Leachate and feed storage runoff directed through this culvert outlets into this field directly south of the feed storage area toward the runoff collection tank. The inlet to the collection tank was covered with debris and significant vegetation growth at the time of the inspection. A significant amount of the material discharging from the culvert can also be seen pooling beyond the inlet to the collection tank which then proceeds south through the field.



Hart Calf Farm: There are not any feed storage areas located at this site.

Rowekamp Farm: There are not any feed storage areas located at this site.

Animal Mortality Disposal

The operation utilizes a rendering company to pick up and dispose of all animal mortalities as needed.

Ancillary Service & Storage Areas



Photo 20 (Left): Looking east from a culvert outlet located on the north east end of the main farm. Contaminated runoff which discharges from the outdoor feedlot and the adjacent solid manure storage area flow through this culvert which then proceeds east through a waterway that runs through the field directly east of the main farm. A significant amount of runoff from the surrounding area can be seen pooling at the culvert outlet and within the flow channel. The observed material was very cloudy and greenish brown in color.



Photo 21 (Left): Looking at material pooling in the field east of the main farm just east of the culvert pictured in photo 20, near the solid manure stacking area adjacent to the abandoned calf hutch area. A significant amount of runoff discharging from the culvert pictured in photo 20 and from the solid manure storage area can be seen pooling in this area. The observed material was very cloudy and greenish brown in color.



Photo 22 (Right): Looking east along the highly channelized waterway which runs east through the field east of the main farm. A considerable amount of the same material observed in photos 20 and 21 can be seen flowing through this waterway.

RECORDS REVIEW

Current WPDES Permit – Provided on site.

Production Area Inspection Records – Not provided on site.

Emergency Response Plan – Not provided on site.

Plan was provided on site during the previous compliance inspection on November 9, 2021.

Monitoring & Inspection Plan – Not provided on site (copy of plan submitted 11/1/2023 following inspection)

Nutrient Management Plan – Provided on site.

Land Application Records – Provided on site.

Documentation of 180 Days Liquid Manure Storage – Provided on site.

PERMIT SCHEDULE

Permit Section 2.1: Emergency Response Plan

Emergency Response Plan: Due 05/31/2019 – Complete

Permit Section 2.2: Monitoring & Inspection Program

Monitoring & Inspection Program: Due 06/30/2019 – Complete

Permit Section 2.3: Runoff Control System – Engineering Evaluation

Applicable to the Hart Calf Farm outdoor lot and associated runoff control system.

*Engineering Evaluation: Due 10/31/2019 – Complete 10/31/2019 *
(Review Completed, No Further Actions Required)

Plans and Specifications: Due 05/01/2020 – N/A

Complete Installation: Due 05/01/2021 – N/A

Permit Section 2.4: Manure Storage Facility – Engineering Evaluation

Applicable to the Hart Calf Farm solid manure stacking pad & runoff basin.

*Engineering Evaluation: Due 10/31/2019 – Complete 10/31/2019 *
(Review Completed 12/21/2021, No Further Actions Required)

Plans and Specifications: Due 05/01/2020 – N/A

Complete Installation: Due 05/01/2021 – N/A

Permit Section 2.5: Runoff Control System – Engineering Evaluation

Applicable to the Hoffman Farm solid manure stacking area.

Photo documentation was submitted to the Department on November 4, 2019 showing that the stacking pad structure was destroyed and no longer useable. Furthermore, the operation no longer maintains ownership or management of the Hoffman Farm. Therefore, the following schedules have been addressed as they are no longer relevant.

Engineering Evaluation: Due 10/31/2019 – N/A

Plans and Specifications: Due 05/01/2020 – N/A

Complete Installation: Due 05/01/2021 – N/A

Permit Section 2.6: Nutrient Management Plan

NMP Update #1: Due 03/31/2020 – Complete 04/01/2020

NMP Update #2: Due 03/31/2021 – Complete 04/14/2021

NMP Update #3: Due 03/31/2022 – Complete 04/06/2022

NMP Update #4: Due 03/31/2023 – Complete 03/28/2023

NMP Update #5: Due 03/31/2024 – Upcoming

Permit Section 2.7: Annual Reports

Annual Report #1: Due 01/31/2020 – Complete 01/31/2020

Annual Report #2: Due 01/31/2021 – Complete 02/02/2021

Annual Report #3: Due 01/31/2022 – Complete 01/28/2022

Annual Report #4: Due 01/31/2023 – Outstanding

Annual Report #5: Due 01/31/2024 – Upcoming

Permit Section 2.8: Submit Permit Reissuance Application

Reissuance Application: Due 07/04/2025 – Complete 11/02/2023
(Request For Information Sent 11/14/2023)

SUMMARY

Areas Of Concern

The Department has concerns related to the main farm production area runoff controls, specifically regarding the outdoor concrete lot, solid manure storage areas, and feed storage area at the main farm. Engineering evaluations, abandonment, and/or upgrades or replacements for these facilities and the associated runoff controls will be included in the schedules section of the reissued permit.

The Department also has concerns related to the waterway which runs east through the field directly east of the main farm. A significant amount of contaminated runoff from the adjacent facilities, including the outdoor lot, solid manure storage areas,

and feed storage area, regularly flow through this waterway causing it to become highly channelized. Once the operation has addressed production area runoff concerns related to the adjacent facilities in accordance with the schedules section of the reissued permit, the Department recommends that the operation address erosion/channelization that has developed throughout this waterway. The Department also recommends that the operation regrade and revegetate this waterway to establish an effective flow of production area storm water that will continue to run through this waterway.

Action Items

December 4, 2023 – Submit Annual Report #4 which contains the necessary information/records for 2022 through the Department's ePermitting System (<https://dnr.wisconsin.gov/permits/water>).

Annual Report #4 was due January 1, 2023 and has not been received by the Department to date.

Enforcement Status

No open enforcement actions.

Items For Reissued Permit

Satellite Operations

- Remove Hoffman Farm as a satellite operation.
- Add Rowekamp Farm as a satellite operation.

Sample Points

- Sample Point 001: *WSF 1* – Assign sample point to the first stage waste storage facility (previously assigned to the second stage waste storage facility)
- Sample Point 002: *WSF 2* – Assign sample point to the second stage waste storage facility (previously assigned to the first stage waste storage facility)
- Sample Point 003: *WSF 3* – Keep sample point assigned to third stage waste storage facility
- Sample Point 004: *Main Farm & Hoffman Farm Stacking Pad* – Remove the Hoffman Farm stacking pad from the description and adjust the main farm stacking pad description to be applicable to the proposed solid manure storage facility instead of the two existing solid manure storage areas (to be abandoned).
- Sample Point 005: *Digester Tanks* – Adjust sample point description to indicate that the tanks are no longer used exclusively for liquid waste storage and that the digester system is once again active.
- Sample Point 006: *Solids Removed From First Stage Waste Storage Facility* – Adjust sample point description to refer to the first stage waste storage as WSF 1 (sample point 001).
- Sample Point 007: *Solids Removed From Second & Third Stage Waste Storage Facilities* – Adjust sample point description to refer to the second stage waste storage as WSF 2 (sample point 002) and refer to the third stage waste storage as WSF 3 (sample point 003).
- Sample Point 008: *Hart Calf Farm Manure Storage* – No changes.
- Sample Point 009: *Feed Storage Area & Associated Runoff Controls* – No changes.
- Sample Point 010: *Main Farm Outdoor Lot & Associated Runoff Controls* – Remove (if abandoned prior to permit reissuance), or adjust description to indicate that the outdoor lot and associated runoff controls shall be abandoned in accordance with the schedules section of the permit.
- Sample Point 011: *Main Farm Calf Hutch Area & Associated Runoff Controls* – Remove.
- Sample Point 012: *Hart Farm Outdoor Lot & Associated Runoff Controls* – No changes.
- Sample Point 013: *Production Area Storm Water Runoff Controls* – No changes.
- New Sample Point (Liquid): *Proposed WSF 4 (Liquid Waste Storage Facility For Leachate & Feed Storage Runoff)*
- New Sample Point (Liquid): *Rowekamp Farm Underbarn Storage Facilities For The North & South Calf Barns*
- New Sample Point (Solid): *Rowekamp Farm Solid Manure*
- New Sample Point (Solid): *Miscellaneous Sources of Solid Manure*
- New Sample Point (Solid): *Headland Stacking Sites*

Permit Schedules

- Engineering evaluation of the Rowekamp Farm north calf barn and south calf barn underbarn storage facilities
- Engineering evaluation of the feed storage area and associated runoff control system

- Engineering evaluation, or abandonment, of the main farm outdoor lot and associated runoff control system (if not abandoned prior to permit reissuance)
- Engineering evaluation, or abandonment, of the two existing solid manure storage areas at the main farm
- Plans and specifications and/or construction of the proposed solid manure storage facility at the main farm (if not constructed in accordance with approved plans prior to permit reissuance)
- Plans and specifications and/or construction of the upgraded feed storage runoff control system and proposed WSF 4.
- Any further actions determined as needed following the Department's review the well waiver request associated with the solid manure storage area at the Hart Calf Farm.



November 14, 2023

Cody Heller
Heller Farms
Po Box 87
Alma Center, WI 54611

SUBJECT: Preliminary Intake Review Request for Additional Information, Heller Farm Inc
Application for WPDES Permit Reissuance

The Department has conducted their preliminary intake review of Heller Farm Inc nutrient management plan for WPDES Permit Reissuance. The plan was received November 2, 2023 and was submitted by Jennifer Keuning, GHD Services Inc. on behalf of Heller Farm Inc. Below is a list of the Department's comments and requests.

MAPS AND SHAPEFILES

1. Please provide a shapefile of the fields included in the nutrient management plan. This will speed up our review and ensure that the fields are mapped to your specifications rather than my interpretation of the field maps. This can also be provided by submitting the SnapPlus database.

NARRATIVE & CHECKLISTS

1. The application does not include a comprehensive narrative for the nutrient management plan. The Department recommends the use of the farm specific narrative available here: <https://dnr.wisconsin.gov/topic/CAFO/NutrientManagementPlan.html>
2. Please ensure that the 3400 form and the NRCS 590 checklist are signed by the farm owner/operator and resubmit via email to Falon.French@wisconsin.gov.

APPLICATIONS AND CROPPING

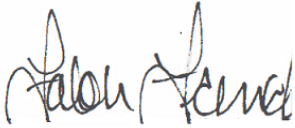
1. The application was missing several required SnapPlus reports: 590 Assessment, Nutrient Mass Balance, Compliance Check, and all years of the Sorted by Crop report (only 2024 is included). Please provide either these reports, or the SnapPlus database. The database will not be added to the public document sets, we will just run and add the necessary reports and shapefiles.
2. It appears that at least one field is missing an updated soil test report with assigned lab and lab number. Please confirm that all of the updated soil tests have an associated lab number and provide the short soil test report with only the most recent samples shown (or the SnapPlus database).

The department requests that you provide the requested updates to the nutrient management plan by December 4, 2023. This deadline has been established to ensure that a full review of the plan can begin in a timely manner.

Feel free to contact me at (608) 228-5265 or Falon.French@Wisconsin.gov with any questions related to the Department's review. Please note that information regarding nutrient management planning and Chapter NR 243, Wisconsin Administrative Code, is available on the Department's website at <https://dnr.wisconsin.gov/topic/CAFO/NutrientManagementPlan.html>.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Falon French". The signature is written in a cursive, somewhat stylized font.

Falon French
WDNR CAFO Intake/Nutrient Management Specialist

cc: Jennifer Keuning, GHD Services Inc (jennifer.keuning@ghd.com)
Douglas Gatrell, GHD Services Inc (doug.gatrell@ghd.com)
Bradley Mathson, Allied Coop (bmathson@provisionpartners.coop)
Christopher Clayton, WDNR Runoff Management Section Chief (ChristopherR.Clayton@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)
Clare E Freix, WDNR Agricultural Runoff Management Specialist (Clare.Freix@wisconsin.gov)
Bradley A Johnson, WDNR Agricultural Runoff Supervisor (BradleyA.Johnson@wisconsin.gov)
Gaylord Olson, Jackson County (gaylord.olson@co.jackson.wi.us)

Heller Farm Inc (Main Farm) - Sample Points: 2023 Aerial Imagery Obtained From Jackson County GIS Web Map

009
(Headland Stacking Sites – Various Locations)

012
(Storm Water Runoff Controls – Various Locations)

001 (WSF 1 – First Stage)
002 (WSF 2 – Second Stage)
003 (WSF 3 – Third Stage)
005 (Digester Facility)
007 (Removed Solids)

006 (Solid Manure Stacking Pits)
011* (Outdoor Lot)
006* (Solid Manure Stacking Area)
006 (Proposed Solid Manure Storage Tank)
006* (Solid Manure Stacking Area)

010* (Feed Storage Area & Runoff Controls)
008 (Misc. Solids – Various Locations)

004 (WSF 4 – Exact Location TBD)

engineering evaluation or abandonment required to be completed per permit schedule

Legend:

- Liquid Sample Point
- Solid Sample Point
- Runoff Control Sample Point

