Permit Fact Sheet

General Information

Permit Number:	WI-0066591-02-0
Permittee Name:	J & J Pickart Dairy LLC
Address:	W2369 County Road Q, Malone, WI 53049
Permit Term:	March 01, 2026 to February 28, 2031
Receiving Water	South Branch Manitowoc River within the South Branch Manitowoc River Watershed, and groundwaters of the state
Discharge Type	Existing source CAFO per NR 243.03(23)

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.)	15	0	0	0	N/A
Milking and Dry Cows	1036	1058	0	0	N/A
Heifers (800 lbs. to 1200 lbs.)	110	100	0	0	N/A
Total	1161	1058	0	0	N/A

Facility Description

J & J Pickart Dairy LLC (J&J Pickart) is an existing Concentrated Animal Feeding Operation (CAFO) owned and operated by Jeff Pickart in the Malone community of Fond du Lac, Wisconsin. It currently has 1,161 animal units with no plans for expansion in the upcoming permit term. Based on herd size, J&J Pickart has approximately 309 days of manure and process wastewater storage. J&J Pickart generates approximately 10,633,664 gallons of manure/process wastewater and 3,639,074 gallons of feed leachate annually and currently has 1989.2 acres approved in their Nutrient Management Plan, of which 1961.4 acres are available for manure application.

Substantial Compliance Determination

Enforcement During Last Permit: J&J Pickart was issued the following Notice of Noncompliance (NON). The facility has completed all required actions as part of the enforcement process.

- March 31, 2021: NON issued for failure to adhere to their WPDES permit schedule. Return to compliance issued 6/6/2022.
- July 27, 2023: NON issued for failure to comply to Nutrient Management Plan. Return to compliance issued 8/21/2023.

After a desk top review of all J&J Pickart Dairy LLC's 2024 annual report, 2025 NMP update, compliance schedule items, and a site visit on **7/25/2024**, 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)**	
001	WSF 1: Sample point 001 is for liquid waste storage facility 1 (WSF 1) located at the Main Site. WSF 1 is a concrete bottom clay sided storage facility and serves as the solid separating stage. The facility has a capacity (MOL) of 1,375,295 gallons and was last evaluated and met department standards in 2021. This storage accepts manure and process wastewater from the sand settling lanes.	
002	WSF 2: Sample point 002 is for liquid waste storage facility 2 (WSF 2) located at the Main Site. WSF 2 is a clay lined storage located to the south of WSF 1 and east of the sand separator system. The facility has a capacity (MOL) of 7,510,598 gallons and was last evaluated and met department standards in 2022. This storage accepts manure and process wastewater from WSF 1.	
003	WSF 3: Sample point 003 is for liquid waste storage facility 3 (WSF 3) located at the Main Site. WSF 3 is an in-place earthen storage located east of the treatment barn. The facility has a capacity (MOL) of 130,643 gallons and was last evaluated and met department standards in 2021. This storage accepts manure and process wastewater form the treatment barn and treatment milking parlor. Plans and specifications to replace the earthen embarkments on the south and east sides of the facility with vertical concrete walls were approved by the department in 2025 [R-2025-0034]. This construction will increase the MOL to 239,492 gallons with proposed construction planned for spring of 2026.	
004	Sand Separator System 1: Sample Point 004 is for the sand separator system 1. Sand separator system 1 is the east sand lane and east stacking pad. The sand separator is the first stage of the manure storage system and was last evaluated and met department standards 2021. Manure and process wastewater is transferred into the sand settling lane.Manure laden sand is removed from the sand lane and placed on the concrete stacking area to be reused as bedding.	
005	Sand Separator System 2: Sample Point 005 is for the sand separator system 2. Sand separator system 2 is the west sand lane and west stacking pad. The sand separator is the first stage of the manure storage system and was last evaluated and met department standards in 2021. Manure and process wastewater is transferred into the sand settling lane. Manure laden sand is removed from the sand lane and placed on the concrete stacking area to be reused as bedding.	
006	Settled Solid Manure: Sample point 006 is for any manure solids removed from bottom of liquid waste storage facilities. This includes manure-laden sand solids, manure fiber solids, etc. Representative samples shall be taken from each waste storage facility.	
007	Headland Stacking Manure: Sample point 007 is for solid manure stacked in approved headland stacking locations. Representative samples shall be taken of this manure prior to land application. Note: Headland stacking sites are subject to production site discharge limitations; weekly visual monitoring of runoff controls is required during use of stacking sites to ensure discharges meet permit requirements.	
008	Solid Manure: Sample point 008 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.	

Sample Point Designation For Animal Waste		
Sample Point Number	**Sample Point Location, Waste Type/Sample Contents and Treatment Description (as applicable)**	
009	Feed Storage & Runoff Controls: Sample point 009 is for visual monitoring and inspection of the feed storage area and associated runoff control system located on the west side of Cypress Road. Proper operation and maintenance is required to ensure discharges meet permit requirements. Weekly inspections are required and shall be recorded according to monitoring program.	
010	Storm Water Runoff Controls: Sample point 010 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 is 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.	
011	WSF 4: Sample point 011 is for liquid waste storage facility 4 (WSF 4) located at the Main Site. WSF 4 is a concrete lined storage located to the west of the existing feed pad. The facility has a capacity (MOL) of 1, 512,205 gallons and was constructed in 2022 with department approval. This storage accepts process wastewater from the feed pad.	

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 309 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 1161 animal units (740 milking & dry cows, 100 heifers, and 75 calves), it is estimated that approximately 10,633,664 gallons of manure and process wastewater and 3,639,074 gallons of feed leachate and runoff will be produced per year. The permittee owns *approximately* 455.3 acres of cropland and rents about 1533.9 acres. Given the rotation commonly used by the permittee, 1961.4 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 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 ($\geq$12% solids) on frozen or snow-covered ground during February and March. Non-emergency surface applications of liquid manure (<12%) on frozen or snow-covered ground are prohibited.

Monitoring and Sampling Requirements

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

Sampling Points

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

1.1 Sample Point Number: 001- WSF 1; 002- WSF 2; 003- WSF 3, and 011- WSF 4 (Leachate)

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

Sample point 003 was updated to include the reconstruction description and storage capability of the department approved engineering plans for WSF 3 (R-2025-0034). Post construction documentation for this project is required within 60 days of completion of the project. Sample point 011 (WSF 4) was added to the permit to represent the leachate pond constructed in 2022. Sample points 001 (WSF 1), 002 (WSF 2) were updated to include the dates of the last department approved engineering evaluation.

1.1.2 Explanation of Operation and Management Requirements

Liquid manure and process wastewater is required to be sampled twice per calendar year month that land application occurs. Samples are to be analyzed for the parameters listed in the table above. Land application shall occur in accordance to the operation's approved Nutrient Management Plan. Liquid manure storage structures shall be inspected according to the operation's monitoring and inspection program. Inspection findings shall be submitted to the department annually on January 31.

1.2 Sample Point Number: 004- Sand Separator System 1; 005- Sand Separator System 2; 006- Settled Solid Manure; 007- Headland Stacking Manure; 008- Solid Manure

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

Sample points 004 & 005 (Sand Separator System 1&2) were updated to include the dates of the last department approved engineering evaluations.

1.2.2 Explanation of Operation and Management Requirements

Solid manure is required to be sampled once per quarter that land application occurs. Samples are to be analyzed for the parameters listed in the table above. Land application shall occur in accordance with the operation's approved nutrient management plan. Solid manure storage structures shall be inspected according to the operation's monitoring and inspection program. Inspection findings shall be submitted to the department annually on January 31.

1.3 Sample Point Number: 009- Feed Storage & Runoff Controls and 010- Storm Water Runoff Controls

1.3.1 Changes from Previous Permit

None.

1.3.2 Explanation of Operation and Management Requirements

Runoff control systems are required to be inspected in accordance with the operation's monitoring and inspection program. Results shall be submitted to the department annually on January 31.

2 Schedules

2.1 Emergency Response Plan

Required Action	Due Date
Develop Emergency Response Plan: Update written Emergency Response Plan within 90 days of permit coverage, available to the Department upon request.	05/30/2026

2.2 Monitoring & Inspection Program

Use of the department's monitoring and inspection program template is encouraged, but optional.

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 90 days of the effective date of this permit.	05/30/2026

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

2.4 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: Submit an Annual Update to the Nutrient Management Plan.	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.	

2.5 Manure Storage Facility - Installation

Sample point 003 (WSF 3)

Required Action	Due Date
Complete Installation: Complete construction on waste storage facility 3. The facility shall be functional and in operation by the specified Date Due. Post construction documentation shall be submitted within 60 days of completion of the project.	03/01/2027

2.6 Submit Permit Reissuance Application

Required Action	Due Date
Reissuance Application: Submit a complete permit reissuance application 180 days prior to permit expiration.	09/01/2030

2.7 Explanation of Schedules

The following schedule items are standard permit requirements to monitor and fulfill requirements of discharge limitations, and ensure compliance with s. NR243, Wis. Admin. Code, Requirements: Emergency Response Plan, Monitoring and Inspection Program, Annual Reports, Nutrient Management Plan, Submit Permit Reissuance Application.

- An emergency response plan is required to be developed per s. NR 243.13(6)(a) Wis. Admin. Code.
- A monitoring and inspection program is required to be submitted per s. NR 243.19(1) Wis. Admin. Code.
- Annual reports are required to be submitted per s. NR 243.19(3) Wis. Admin. Code.
- Nutrient management plan updates are required to be submitted per s. NR 243.19(3)Wis. Admin. Code.
- A permit reissuance application is required per s. NR 243.12(1)(d) Wis. Admin. Code.

The Manure Storage Facility Installation for WSF 3 is required in accordance with NR 243.15 Wis. Admin. Code as a scheduled reminder for the farm to submit post construction documentation to the department within 60 days of completion of the project.

Attachments

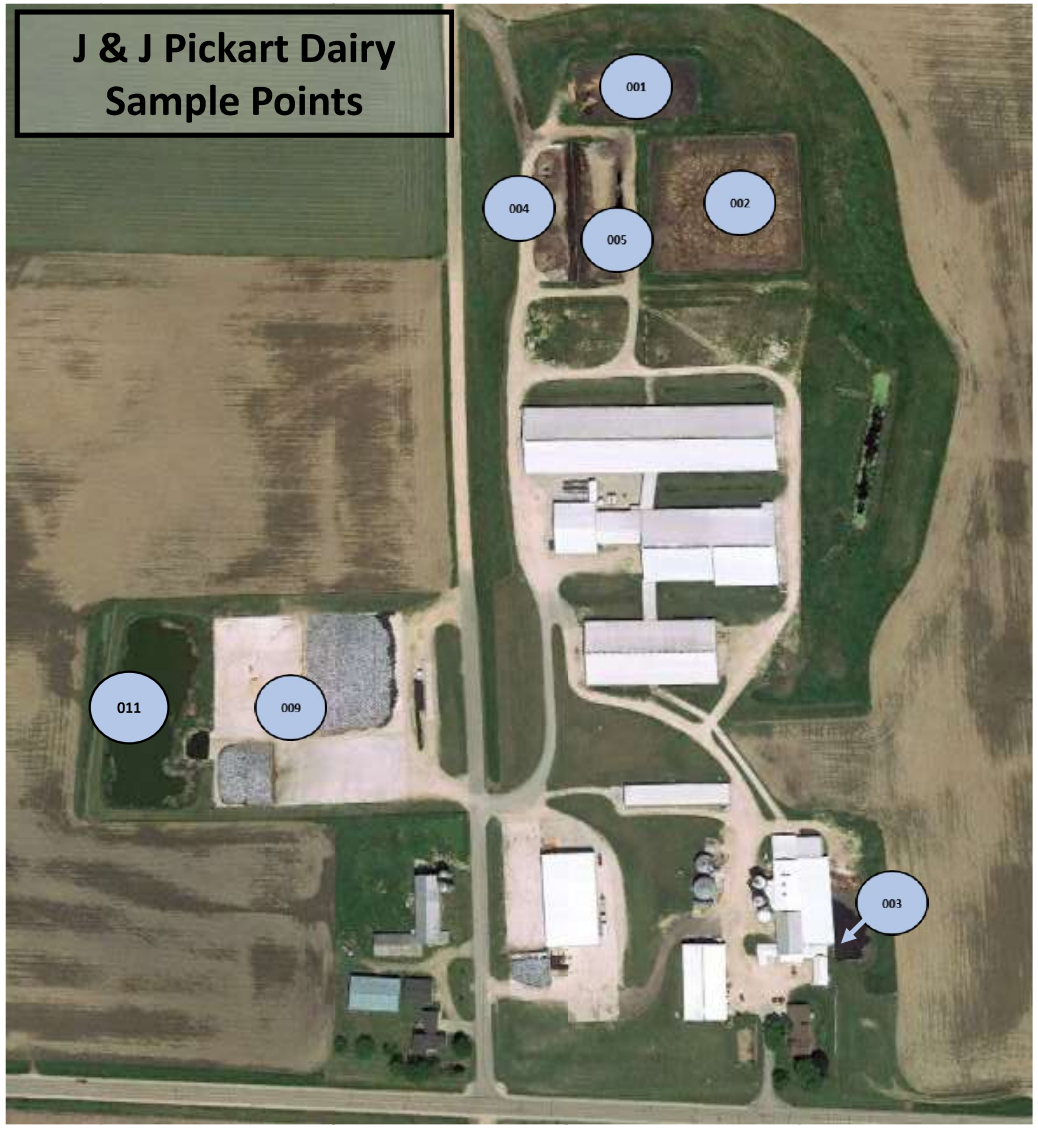
Farm Overview and Sample Point Map

Evaluation Review for Days of Storage Approval Letter [03/13/2025]
Conditional Approval of Plans & Specifications for Partial Reconstruction of WSF 3 [5/12/2025]
5-year NMP Conditional Approval Letter [4/10/2025]
Return to Compliance Letters [08/21/2023 & 06/06/2022]

Justification Of Any Waivers From Permit Application Requirements

None.

Prepared By: Jean Weaver Agricultural Runoff Management Specialist Date: 12/19/2025



Sample Points

- 001 WSF 1
- 002 WSF 2
- 003 WSF 3
- 004 Sand Separator System 1
- 005 Sand Separator System 2
- 009 Feed Storage Area

Sample Points – Operation Wide

- 006 Settled Solid Manure
- 007 Headland Stacking Sites
- 008 Solid Manure
- 010 Storm Water Runoff Controls
- 011 WSF 4- Leachate

State of Wisconsin
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March 13, 2025

FILE REF: R-2024-0197
WPDES Permit #: WI-0066591

Jeff Pickart
J & J Pickart Dairy LLC
W2369 County Road Q
Malone, WI 53049

Subject: Days of Storage Review for J & J Pickart Dairy LLC SW¼ of T16N, R19E, Section 06 in Marshfield Township, Fond du Lac County – NO ADDITIONAL ACTION REQUIRED

Dear Jeff Pickart:

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 Eric Otte, JE Arthur and Associates, Inc. on July 29, 2024 with revisions received on February 12, 2025 on behalf of J & J Pickart Dairy 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 J & J Pickart Dairy LLC has 309 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 1161. 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 from the stacking pad up to the 25-yr 24-hr storm is collected in permanent waste storage. All leachate and runoff generation from the feed storage area up to the 25-yr 24-hr storm is collected in separate wastewater storage and managed separately from manure waste. Leachate and feed storage area runoff are not included in the 180 days of storage calculations.

J & J Pickart Farms LLC

Total Annual Liquid Waste Volume (NRCS Table Values)	
Liquids Collected/Stored	Annual Gallons
Manure and Bedding	8,529,646
Net Precipitation on Storage Surface(s)	1,382,856
Stacking Pad Runoff Collected	721,162
TOTAL:	**10,633,664**

Total Liquid Waste Storage Capacity (gallons)						
Waste Storage	Total Vol. from Settled Top to Bottom	-Solids Storage	-25-yr, 24-hr Precip. on Storage	25-yr, 24-hr Collected Runoff	Freeboard Vol.	Max. Operating Level (MOL) Vol.
#1	1,981,982	20,929	76,913		508,845	1,375,295
#2	9,331,038	965,877	209,973	101,302	543,287	7,510,599
#3	347,484	128,282	24,427		64,141	130,634
					Total MOL Vol:	9,016,528
					Days of Storage:	**309**

Should you have any questions, please contact Tabatha 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

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May 12, 2025

FILE REF: R-2025-0034
WPDES Permit #: WI-0066591

Jeff Pickart
J & J Pickart Dairy, LLC
W2369 County Road Q
Malone, WI 53049

Subject: Conditional Approval of Plans & Specifications for a Partial Reconstruction of WSF 3 at J & J Pickart Dairy, LLC in T16N, R19E, Section 6, Marshfield Township, Fond Du Lac County

Dear Mr. Pickart:

This letter is to inform you that the Wisconsin Department of Natural Resources (Department) has reviewed and conditionally approves the above referenced plans and specifications, submitted under certification by Eric Otte, P.E., J.E. Arthur and Associates, Inc. and received on February 12, 2025 with revisions received on April 30, 2025 and May 7, 2025. The review was conducted in accordance with s. 281.41, Wis. Stats., chs. NR 151 and NR 243, Wis. Adm. Code, and applicable NRCS Standards. The attached engineering report describes the project, lists standards that apply and provides compliance analysis. Questions may be directed to the assigned regional staff or the review engineer Rob Davis (contact information is at the end of this letter).

Proposed Project: The proposed project includes the following facilities that are reviewable under s. NR 243.15, Wis. Adm. Code: Partial Reconstruction of WSF 3.

Conditions of Approval: The plans and specifications for project number R-2025-0034 are hereby approved and subject to chs. NR 151 and NR 243, Wis. Adm. Code, and the conditions listed below:

1. Revisions: If revisions are made to the approved plans and specifications, revised plans and specifications shall be submitted for approval modification, in accordance with ss. NR 108.03 and NR 108.04, Wis. Adm. Code, and s. 281.41(1)(c), Wis. Stats. Submit revised plans and specifications via the Department's e-Permitting System. Note: This includes revisions for local permitting. If a formal approval modification may not be warranted, contact the review engineer to confirm.
2. Approval Period: In accordance with ss. NR 243.15(1)(a)1., and NR 108.04(2)d., Wis. Adm. Code, if construction is not commenced within 2 years from the approval date, the approval is void, and a new approval must be obtained prior to commencing construction.
3. Notification: Prior to construction and when construction is complete, notify the Department's regional contact and county contact provided a copy of the approval (contact information is at the end of this letter).
4. Inspection: During the construction of critical components, inspection shall be performed by a Wisconsin registered professional engineer or other qualified third party (excludes the owner and construction contractor and their employees).
5. Post-Construction Documentation: In accordance with the permit, a post-construction report must be submitted to the DNR's e-Permitting website (http://dnr.wi.gov/permits/water) within 60 days of completing construction. The report must include documentation specified by s. NR 243.15(10), Wis. Adm. Code.

Limitation of Approval: The Department reserves the right to order changes or additions should conditions arise making this necessary. This approval is not to be construed as a determination on the issuance of a Wisconsin Pollutant Discharge Elimination System Permit or opinion as to the ability of the proposed system to comply with effluent limitations in such a permit, approval of an Environmental

Impact Statement that may be prepared, or approval for any activities requiring a permit under chs. 30 or 31, Wis. Stats. Where necessary, plans and specifications should be submitted to the Department of Safety and Professional Services or other state or local agencies to ensure conformance with applicable codes or regulations of such agencies.

Tax Treatment: Tangible personal property, that becomes part of a waste treatment of pollution abatement plant or equipment, may be exempt from sales tax under s. 77.45(26), Wis. Stats. Similarly, property purchased or constructed as a waste treatment facility and used for industrial waste treatment may be exempt from general property taxes under s. 70.11(21), Wis. Stats. A prerequisite to exemption is filing a statement on prescribed forms. To obtain the forms, and information about this sales tax exemption, please contact the Department of Revenue, P.O. Box 8933, Madison, WI 53708, or check their website http://www.revenue.wi.gov/.

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
For the Secretary

Bernie Michaud

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

Enclosures: Wisconsin DNR Engineering Report

Email:
Jeff Pickart; J & J Pickart Dairy
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Matt Woodrow, P.E.; DATCP
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(920) 929-4679; bradly.murry@fdlco.wi.gov

Eric Otte, P.E.; J.E. Arthur and Associates, Inc.
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Jean Weaver; DNR, Southeast Region
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Michelle Scott; DNR, Southeast Region
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Rob Davis, P.E.; DNR, Central Office
(608) 225-2720; Robert.Davis@Wisconsin.gov

WISCONSIN DEPARTMENT OF NATURAL RESOURCES ENGINEERING REPORT

GENERAL INFORMATION

Farm Name: J & J Pickart Dairy LLC **WPDES Permit#:** WI-0066591

Location Address: W2369 County Road Q, Malone **DNR Project #:** R-2025-0034

Engineering Plans Certified by:	Initial Submittal:	Revised Submittal(s):
Eric Otte, P.E.	February 12, 2025	April 30, 2025 May 7, 2025

Site Assessment: Geographical features of the site include soils that are Theresa silt loam. The nearest stream is approximately 2,700 ft to the northwest and the nearest wetland is approximately 1,900 ft to the southeast of the proposed construction area. Clean runoff will be diverted around waste handling areas to existing waterways. No karst features are known to exist within 1,000 ft of the proposed facilities or systems. One ground water supply well is located within 250 feet of the existing WSF 3. Well FL-757-U is approximately 150 ft from WSF 3. The well setback is addressed in the 'Alternative Well Setback Request' section in the Engineering Report below.

Soil investigations were performed on October 7, 2020 consisting 2 soil borings in the proposed project area, which found the primary subsoils consist of silt loam and gravelly loamy fine sand. The soil borings were just outside of the footprint of the existing WSF 3. Shelby tubes taken for the evaluation of WSF 3 (R-2021-0141) from the side slopes of the embankments show a fines content in the range of 52-59% and plasticity index in the range of 16-18. Bedrock was not found. Saturation was not found. To ensure sub-liner soils have a minimum of 20% fines, a sample will be taken from the toe of the slope prior to construction.

Proposed Facilities:

Waste Storage 3 Reconstruction (WSF 3): The proposed design was submitted to meet NRCS 313 (10/17) and NRCS 522 (06/21) Table 2, Column A and Table 2A, Column B. The design is compliant with s. NR 243.15(3), Wis. Adm. Code. WSF 3 will remain in the exact same location, but will abandon the existing earthen embankments on the south and east sides and replace them with vertical concrete walls. Below is a summary of what is proposed.

- The proposed reconstruction of WSF 3 will continue to be rectangular shaped with interior top dimensions of 65 ft x 133 ft x 8 ft deep. It will have 10 inch thick double mat steel reinforced vertical walls added to the south and east sides and a 6 inch thick steel reinforced concrete floor. The vertical walls will follow NRCS WI-584A Standard Drawing for an 8 Foot Tee Wall.
- The proposed storage will have a total and maximum operating level (MOL) volume of 392,201 and 239,492 gallons respectively.
- The floor elevation will be 990.3 ft and the MOL elevation will be 996.8 ft. The existing wall along the west side (connected to existing barn) is a vertical wall. The proposed new walls along the south and east sides will also be vertical walls. The north side will be a concrete ramp to enter WSF 3 at a slope of approximately 8:1.
- A 65 ft wide ramp will extend down the north side of the proposed storage pond. The entire north side will be a ramp into the waste storage.

Abandonment: The proposed plan was submitted was submitted for the earthen embankments along the south and east sides of the existing WSF 3. The plan is compliant with s. NR 243.17(7), Wis. Adm. Code. The existing earthen embankments along the south and east sides of WSF 3 will be abandoned and replaced with vertical concrete walls.

- The abandonment plan includes the following:
  - All waste will be removed from the existing WSF 3 and land spread in accordance with the approved NMP.

- A minimum of 6 inches of the embankment soil will be removed to ensure all contaminated soil is removed from the embankment. The soil will be land spread in accordance with the approved NMP.
- The waste storage abandonment is to meet NRCS Standard 360 (06/21) and with s. NR 243.17(7), Wis. Adm. Code.

Alternative Well Setback Request: The submitted plans include a request for an alternative well setback for well FL-757-U because the well is located less than 250 ft from the existing WSF 3. The well is approximately 150 ft from WSF 3. The alternative well setback request will not be acted upon during this approval because the well setback was previously approved during the review of the evaluation for WSF 3 with DNR Project R-2021-0141 with the 'no additional action required' letter that is dated July 23, 2021. The proposed project is intended to make WSF 3 more protective of groundwater with the proposed addition of concrete to replace the existing earthen embankments. Because the proposed project should be more protective of groundwater than the existing condition, the existing well setback approval remains valid as an alternative design or practice per s. NR 243.15(1)(c), Wis. Adm. Code.

DAYS OF AVAILABLE LIQUID WASTE STORAGE: The submitted information states that J & J Pickart Dairy will have 313 days of liquid waste storage after the proposed reconstruction of WSF 3 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 1,161. There are currently no plans for expansion. 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 from the stacking pad up to the 25-yr, 24-hr storm is collected in long term waste storage. All leachate and contaminated runoff from the feed storage area up to the 25-yr, 24-hr storm is collected in separate process wastewater storage and managed separately from liquid manure waste. Leachate and feed storage area runoff are not included in the 180 days of storage calculations.

Total Annual Liquid Waste Volume (NRCS Table Values)	
Liquids Collected/Stored	**Annual Gallons**
Manure, Bedding, and Parlor Wastewater:	8,529,646
Total Stacking Pad Runoff Collected:	721,162
Net Precipitation on Storage Surfaces:	1,382,856
Total Liquid Waste Stored Below the MOL:	**10,633,664**

Total Liquid Waste Storage Capacity (Gallons)						
Waste Storage	Total Volume from Top to Bottom	-Remaining Solids	-25-yr, 24-hr Precipitation on Storage	-25-yr, 24-hr Collected Runoff	-Freeboard Volume	Max. Operating Level (MOL) Volume
WSF #1	1,981,982	20,929	76,913	0	508,845	1,375,295
WSF #2	9,331,038	965,877	209,973	101,302	543,287	7,510,598
WSF #3	392,201	64,141	24,427	0	64,141	239,492
					Total MOL Volume:	9,125,385

PURPOSE OF THIS REPORT: This report documents review of plans and specifications for each structure or practice indicated below, including findings regarding the structure or practice's compliance with applicable standards. The reviewer considered if management and site assessment were conducted, documented, and reflected in the final design, and if proper construction and related plans (operation and maintenance, inspection, erosion control if applicable) were provided, and demonstrated compliance with applicable rules standards.

DECISION RECOMMENDATION: Based on my review completed on May 9, 2025, the proposed plans and specifications meet ch. NR 243, Wis. Adm. Code, and applicable NRCS Standards. Therefore, I recommend the plans and specifications be approved.

Rob Davis, P.E.
Water Resources Engineer

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
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April 10, 2025

Fond du Lac County
Approval

Jeff Pickart
J & J Pickart Dairy LLC
W2369 County Road Q
Malone, WI 53049

SUBJECT: Modified Conditional Approval of J & J Pickart Dairy LLC Nutrient Management Plan, WPDES Permit No. 0066591-02-0

Dear Jeff Pickart:

After completing a review of J & J Pickart Dairy 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 J & J Pickart Dairy 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 1161 animal units (740 milking & dry cows, 100 heifers, and 75 calves). Currently there are no planned expansions in the next permit term.

2. Manure generation and spreading records indicate your herd will annually generate approximately 10,633,664 gallons of manure and process wastewater in the first year of the permit term. Approximately 3,639,074 gallons of feed leachate and runoff is collected and managed separately.

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 J & J Pickart Dairy LLC currently has 1989.2 acres (455.3 owned and 1533.9 controlled through contracts, rental agreements or leases, or under manure agreements) of which 1961.4 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 J & J Pickart Dairy LLC Nutrient Management Plan subject to the following conditions and the applicable requirements of Ch. NR 243, Wis. Adm. Code:

FIELD AND MANURE MANAGEMENT

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

2. The following fields are prohibited from receiving applications of manure or process wastewater, due to the rotational soil loss that does not meet T:
   - MZ4

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

3. If existing fields yield a soil test results equal to or greater than 200 ppm P, those fields would be prohibited from receiving manure or process wastewater applications, unless you obtain Department approval in accordance with NR 243.14(5)(b)2., Wis. Adm. Code.

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

5. 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, J & J Pickart Dairy LLC may use the following equation to adjust the first year available nitrogen when applications are injected or incorporated within 1 hour:

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

6. J & J Pickart Dairy LLC shall record daily manure applications by using form 3200-123A.

7. J & J Pickart Dairy LLC shall annually submit a spreading report that summarizes the land application activities listed under NR 243.19(3)(c)5., Wis. Adm. Code by using form 3200-123.

WINTER SPREADING

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

9. The following field(s) are approved for winter spreading solid manure, emergency applications of liquid manure and frozen liquid manure:
   - DM 9A
   - DM 9B
   - DM 4
   - DM 6
   - DM 11
   - DM 15
   - DM J1
   - DM W2

- DM W3
- Herb
- HP1
- HP2
- HP3
- HP4
- JP2
- JP4
- JP9 Oscar
- JS7
- JS8
- JS9
- KM1
- KM2
- KM3
- RP2
- RP3
- Windmill-04w

10. The following field(s) are denied for winter spreading solid manure, emergency applications of liquid manure and frozen liquid manure due to insufficient spreadable acres:
    - JP5
    - RP1

11. Winter spreading of solid and liquid manure may not occur during the "high risk runoff period" pursuant to s. NR 243.14(6)(c) and NR 243.14(7)(c), respectively.

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

13. Liquid applications shall be limited to 3,500 gallons per acre or 30 lbs. P per acre, whichever is less, on slopes 2-6% and 7,000 gallons per acre or 60 lbs. P per acre, whichever is less, on slopes 0-2%. Winter applications of solid manure shall be limited to 60 lbs. P per acre.

HEADLAND STACKING

14. No headland stacking sites are approved.

NR243.143/151.075 SILURIAN BEDROCK PERFORMANCE STANDARDS

15. Manure generated by J & J Pickart Dairy 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.
    - DM J1
    - JBF

MANURE & PROCESS WASTEWATER IRRIGATION

16. Irrigation of manure or process wastewater is prohibited.

SUBMITAL AND RECORDKEEPING REQUIREMENTS

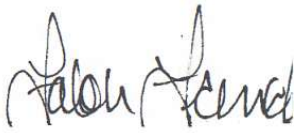
17. A copy of this conditional approval shall be included in all future annual Nutrient Management Plan Updates in addition to the NR 243 and NRCS 590 checklists.

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 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: Jean Weaver, WDNR Agricultural Runoff Management Specialist (jeanm.weaver@Wisconsin.gov)
Michelle Scott, WDNR Agricultural Runoff Supervisor (Michelle.Scott@wisconsin.gov)
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)
Tabatha Davis, WDNR CAFO Review Engineer (tabatha.davis@wisconsin.gov)
Ariana Somma, WDNR CAFO Review Engineer (ariana.somma@wisconsin.gov)
Brittany Newman, Country Visions Coop (bnewman@cvcoop.com)
Brad Murry, Fond du Lac County (bradly.murry@fdlco.wi.gov)
File

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
141 NW Barstow Street, Room 180
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Preston D. Cole, Secretary
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June 6, 2022

Jeff Pickart
J & J Pickart Dairy LLC
W2369 County Road Q
Malone, WI 53049

Permit No: 0066591-01
County: Fond du Lac

Subject: Compliance Demonstrated for Permit Schedules

Dear Mr. Pickart,

On March 31, 2021, the Department of Natural Resources (Department) issued J & J Pickart Dairy LLC a notice of noncompliance for failing to meet permit schedules of their Wisconsin Pollutant Discharge Elimination System (WPDES) CAFO Permit. On July 27, 2021, the Department issued an update to the notice of noncompliance. The Department has received information necessary to demonstrate J & J Pickart Dairy is currently in compliance with these permit conditions. Information received includes:

- **Permit Section 2.5 – Manure Storage Facility – Engineering Evaluation:** *Complete Engineering Evaluation of Existing System due by December 1, 2020.*
    - Engineering evaluations were received by the Department on July 2, 2021, for WSF 1 and WSF 2, and the Department issued no further actions letters on July 23, 202.
    - An engineering evaluation was received by the Department on March 29, 2022, for WSF 3, and Department issued a no further action letter on May 17, 2022.

- **Permit Section 2.7 Sand Separator System – Engineering Evaluation:** *Plans and Specifications due February 1, 2021.*
    - An engineering evaluation received by the Department on July 2, 2021, for the sand separator system, and the Department issued a no further actions letter dated July 23, 2021.

- **Permit Section 2.6 Feed Storage Area and Runoff Controls – Engineering Evaluations:** *Plans and Specifications due by February 1, 2021.*
    - Plans and specifications were received by the Department on August 24, 2021, which were approved by the Department on November 22, 2021.

If you have any questions regarding this letter or your WPDES permit requirements, please contact me at Victoria.ziegler@wisconisn.gov or 414-391-8946.

Sincerely,

Victoria Ziegler

Ecc: Danielle Block and Ben Uvaas – DNR
Michelle Anhalt and Eric Otte – J.E. Arthur
Paul Tollard – Fond du Lac County

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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August 21, 2023

J&J Pickart Dairy LLC
Jeff Pickart
W2369 County Road Q
Malone, WI 53049

Subject: Compliance Demonstrated

Dear Mr. Pickart,

On July 27, 2023, the Department of Natural Resources issued J&J Pickart Dairy a notice of noncompliance for allegedly failing to meet requirements of their WPDES permit. On August 17, 2023, the Department received information necessary to demonstrate J&J Pickart Dairy is currently in compliance with these permit conditions. Information received includes:

- Detailed explanation of why the overapplications of nitrogen occurred
- Details on steps already taken to ensure overapplication are minimized in the future

If you have any questions regarding this letter or your WPDES Permit requirement, please contact me at Victoria.Ziegler@wisconsin.gov or 414-391-8946.

Sincerely,

Victoria Ziegler
Agricultural Runoff Management Specialist

Enclosed: response from Country Vision Cooperative

Ecc: Ben Uvaas, Aaron O'Rourke, and Danielle Block – WDNR
Brittany Newman – Country Visions Cooperative
Paul Tollard – Fond du Lac County