

Permit Fact Sheet

General Information

Permit Number	WI-0062341-05-0
Permittee Name and Address	Pond Hill Dairy, LP N998 Hwy K, Fort Atkinson, WI 53538
Permitted Facility Name and Address	Main Farm: N1014 Poeppel Road, Fort Atkinson, WI 53538 NE1/4 of SE1/4 Sec. 20 T5N, R14E, Koshkonong Township, Jefferson County Farm 2: N738 Poeppel Road, Fort Atkinson, WI 53538, SE1/4 of NE1/4 Sec. 29 T5N, R14E, Koshkonong Township, Jefferson County
Permit Term	September 01, 2025 to August 31, 2030
Discharge Location	to unnamed tributaries within the Lower Koshkonong Creek & Rock River Watersheds, and groundwaters of the state
Stream Classification	Rock River 303d
Discharge Type	Existing

Animal Units					
Animal Type	Current AU		Proposed AU (Note: If all zeroes, expansions are not expected during permit term)		
	Mixed	Individual	Mixed	Individual	Date of Proposed Expansion
Dairy Calves (under 400 lbs.)	20	0	0	0	
Milking and Dry Cows	1260	1287	0	0	
Heifers (400 lbs. to 800 lbs.)	210	350	0	0	
Heifers (800 lbs. to 1200 lbs.)	385	350	0	0	
Total	1875	1287	0	0	

Facility Description

Pond Hill Dairy LP is an existing Concentrated Animal Feeding Operation (CAFO). Pond Hill Dairy LP is owned and operated by Kieth Mortiz. The farm currently has 1,875 animal units. (900 milking & dry cows, 350 heifers up to 1200 lbs, 350 heifers up to 800 lbs and 100 dairy/beef calves). Pond Hill Dairy LP has a total of 1,797 acres available for land application of manure and process wastewater. Of this acreage, 1,158 acres are owned, and 645 acres are rented or controlled through manure agreements. Pond Hill Dairy LP has no planned expansion during the proposed permit term. Approximately 11,461,873 of manure and process wastewater and 0 tons of solid manure in the first year of the permit term. The farm has a proposed 191 days of liquid manure storage and at least 59 days of solid manure storage.

Two facilities are currently covered under Pond Hill Dairy LP WPDES Permit. The main dairy site is located at N998 Hwy K Fort Atkinson, WI 53538 and is composed of 3 dairy freestall barns, milking parlor, calf barn, feed storage area with a VTA, and 2 waste storage facilities. The Farm 2 is located at N738 Poeppel Rd Fort Atkinson, WI 53538 and is composed of one abandoned waste storage facility, one outdoor feedlot with barn and a pasture area. Farm 5 has been abandoned and will be removed from permit coverage.

Substantial Compliance Determination

Enforcement During Last Permit: One Notice of Noncompliance was issued for not properly operating a waste storage facility and transfer system and not meeting permit schedule section 2.6. The Plans and specifications addressing the outstanding permit schedule have been submitted to the department and have been approved. The waste transfer system at the feed storage runoff controls was repaired shortly after the inspection. Lines were cleared and pump maintenance was performed.

After a desk top review of all, application materials, compliance schedule items, and a site visit on March 26, 2024, this facility has been found to be in substantial compliance with their current permit.

Compliance determination made by Eric Struck on June 11, 2025.

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 Pond Hill Dairy, LP Main Farm. WSF 1 is a high-density polyethylene (HDPE) geomembrane-lined storage located at the Main Farm. The facility has a capacity of 4,506,219 gallons and was constructed in 2000. This storage accepts manure and process wastewater from the Main Farm facilities. WSF 1 was last evaluated in 2000 and met permit requirements.	
002	Feed Storage Area & Runoff Control System: Sample point (002) is for visual monitoring and inspection of the feed storage area and associated runoff control system located at the Main Farm. Proper operation and maintenance is required to ensure discharges meet permit requirements. Runoff flows to a storage basin northwest of the feed storage area and waste can then be transferred to WSF3. Weekly inspections are required and shall be recorded according to the monitoring program. An engineering evaluation of the feed storage area and runoff control system shall be submitted according to the Schedules section of the permit.	
003	Feedlot/Outdoor Lot & Runoff Control System: Sample point (003) is for visual monitoring and inspection of the concrete feedlots, calf hutches, and associated runoff control systems located at the Main Farm, Farm 2, and Farm 5. Proper operation and maintenance is required to ensure discharges to waters of the state do not occur. Weekly inspections are required and shall be recorded according to monitoring program. The site is currently abandoned but farm wishes to maintain permit coverage. An engineering evaluation of the feedlot and runoff control systems was submitted in 2021. The north portion requires further actions and plans and specifications shall be submitted prior to use. The department agrees the	

Sample Point Designation For Animal Waste		
Sample Point Number	Sample Point Location, Waste Type/Sample Contents and Treatment Description (as applicable)	
	southern portion appears to meet permit requirements.	
004	Miscellaneous Solid Manure: Sample point (004) 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.	
005	WSF 3: Sample point (005) is for liquid waste storage facility 3 (WSF 3) located at the Pond Hill Dairy, Farm 2. WSF 3 is a concrete storage located at Farm 2. The facility has a capacity of 400,000 gallons and was constructed in 1987. This storage accepts manure and process wastewater from Farm 2. WSF 3 was last evaluated in 2003 and met permit requirements. The site is currently abandoned, and the farm wished to maintain permit coverage at the site.	
017	WSF 2: Sample point (017) is for liquid waste storage facility 2 (WSF 2) located at Pond Hill Dairy, LP Main Farm. WSF 2 is a high-density polyethylene (HDPE) geomembrane-lined storage located at the Main Farm to the south of WSF 1. The facility has a capacity of 3,763,922 gallons and was constructed in 2013. This storage accepts manure and process wastewater from the Main Farm facilities. WSF 2 was last evaluated in 2013 and met permit requirements.	
030	CAFO Outdoor Vegetated Area : Sample point (030) is for visual monitoring and inspection of outdoor vegetated areas located at Farm 2. Proper operation and maintenance is required to ensure vegetative cover is sustained across lot areas. Quarterly inspections are required and shall be recorded according to monitoring program. For proposed areas, a pasture management plan shall be submitted according to Schedules section of permit. Outdoor lot areas not managed to sustain vegetation are not permitted and shall be properly abandoned.	
031	Settled Solid Manure: Sample point (031) is for any manure solids removed from the 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.	
032	Headland Stacking Sites: Sample point (032) is for solid manure land applied from approved headland stacking sites. Stacks are defined as part of the production area and therefore subject to the production area discharge limitations section of this permit. Quarterly inspections while stacks are present are required and shall be recorded according to monitoring program.	
033	WSF 4: Sample point 033 is for liquid waste storage facility 4 (WSF 4) located at the Pond Hill Dairy, LP. WSF 4 is a concrete-composite storage located at the Main Farm west of existing waste storage facilities. The facility has a capacity of 7,300,000 gallons and will be constructed in 2025. This storage accepts manure and process wastewater from feed storage area runoff transfer basin. Plans for WSF 4 were approved on February 20, 2025 (R-2024-0260).	
034	Calf Hutch Area & Runoff Control System: Sample point (034) is for visual monitoring and inspection of the (concrete feedlot OR calf hutch area OR other outdoor lot area description) and associated runoff control system located at (location description). Feedlot runoff is directed to cropped fields currently. Proper operation and maintenance is required to ensure discharges meet permit requirements. Weekly inspections are required and shall be recorded according to monitoring program. An engineering evaluation of the feedlot and runoff control system was submitted in 2021, and further actions are required (R-2021-0017). See schedule Section for due dates.	

Sample Point Designation For Animal Waste		
Sample Point Number	Sample Point Location, Waste Type/Sample Contents and Treatment Description (as applicable)	
035	Storm Water Runoff Control System: Sample point (035) 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.	

1.1.1 Changes from Previous Permit:

Permit sample point language was updated to current nomenclature.

Sample point 033 was added to account for the construction of update feed storage area runoff controls.

Sample point 034 was added to describe the calf hutch area and associated runoff controls.

Sample point 035 was added to account for the monitoring of storm water runoff controls systems around the production area.

1.1.2 Explanation of Limits and Monitoring Requirements

Runoff controls should be visually monitored per the farms monitoring and inspection program and in accordance to s. NR 243, Wis. Admin. Code.

2 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 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 185 days of storage for liquid manure. The permittee will be required to design and construct 180 days of liquid manure storage by August 1, 2026. Once the permittee has 180 days of liquid manure storage, it 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 with 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 1,875 animal units (900 milking & dry cows, 700 heifers, and 100 calves), it is estimated that approximately 13,051,624 gallons of manure and process wastewater and 2,354 tons of solid manure in the first year of the permit term. The permittee owns approximately 1,156.35 acres of cropland and rents about 645.2. Given the rotation commonly used by the permittee, Enter number of acres able to receive manure on an annual basis acres are available (or open) to receive manure and process wastewater on an annual basis. The 1,796.3 permit requires all landspreading of manure and process wastewater be completed in accordance with an approved nutrient management plan. The permit will require sampling and analysis of manure and process wastewater that will be landspread. Landspreading rates must be adjusted based on sample analysis. The permit requires the permittee to maintain a daily log that documents landspreading activities. The permit also requires the submittal of an annual report that summarizes all landspreading activities. Plans must be updated annually to reflect cropping plans and other operational changes. Among the requirements, the plans must include detailed landspreading information including field by field nutrient budgets.

The permittee is required to implement a number of practices to address potential water quality impacts associated with the land application of manure and process wastewater. Among the permit conditions are restrictions on manure ponding, restrictions on runoff of manure and process wastewater from cropped fields, and setbacks from wells and direct conduits to groundwater (e.g., sinkholes, fractured bedrock at the surface). In addition, the permittee must implement a phosphorus based nutrient management plan that addresses phosphorus delivery to surface waters by basing manure and process wastewater applications on soil test phosphorus levels or the Wisconsin Phosphorus index. Additional phosphorus application restrictions apply to fields that are high in soil test phosphorus (>100 ppm).

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

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

solids) on frozen or snow-covered ground during February and March, non-emergency surface applications of liquid manure (<12%) on frozen or snow-covered ground are prohibited.

Monitoring and Sampling Requirements

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

Sampling Points

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

2.1 Sample Point Number: 001- WSF 1; 005- WSF 3 - Farm 2; 017- WSF 2; 033- WSF 4 - FSA

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	

2.1.1 Changes from Previous Permit

Descriptions were updated to reflect the current nomenclature and facility descriptions.

Sample point 033 WSF -4 was added for the additional collection from the feed storage area runoff controls.

2.1.2 Explanation of Operation and Management Requirements

Waste shall be sample, stored, and land applied according to permit and nutrient management plan requirements per s. NR 243, Wis. Admin. Code.

2.2 Sample Point Number: 002- Feed Storage Area Runoff; 003- Feedlot Runoff Control -Farm2 ; 030- Outdoor Vegetated Areas; 034- Calf Hutch Area Runoff, and 035- Storm Water Runoff Controls

2.2.1 Changes from Previous Permit

Descriptions were updated to reflect the current nomenclature and facility descriptions.

Sample points 034 and 035 were added to reflect the operation of the facility and the monitoring and inspection requirements of NR 243, Wis. Admin. Code.

2.2.2 Explanation of Operation and Management Requirements

Runoff controls should be visually monitored per the farms monitoring and inspection program and in accordance to s. NR 243, Wis. Admin. Code.

2.3 Sample Point Number: 004- Miscellaneous Solid Manure; 031- 031 Settled Solid Manure, and 032- 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	

2.3.1 Changes from Previous Permit

Descriptions were updated to reflect the current nomenclature and facility descriptions.

2.3.2 Explanation of Operation and Management Requirements

Waste shall be sample, stored, and land applied according to permit and nutrient management plan requirements per s. NR 243, Wis. Admin. Code.

3 Schedules

3.1 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	10/01/2025

Requirements subsection, the permittee shall submit a proposed monitoring and inspection program within 30 days of the effective date of this permit.	
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3.2 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.	10/01/2025

3.3 Nutrient Management Plan

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

Required Action	Due Date
Management Plan Submittal: Submit any necessary updates to the Nutrient Management Plan to meet the conditions outlined in this permit (see conditions in the Livestock Operational and Sampling Requirements section).	10/01/2025
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.	

3.4 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.	

3.5 Feed Storage - Construct Runoff Control System

Required Action	Due Date
Corrections and Post Construction Documentation: Complete construction of improvements to permanently correct any adverse conditions in concurrence with and approval by the Department, by the specified Date Due. Submit post construction documentation within 60 days of completion of the project.	08/01/2026

3.6 Calf Hutch Runoff Control System - Installation

Required Action	Due Date
Retain Expert: Retain a qualified expert to complete the engineering documentation for the feed storage runoff control system and report the name of the expert to the Department.	12/01/2025
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.	08/01/2026
Corrections and Post Construction Documentation: Complete construction of runoff controls that permanently correct any adverse runoff control conditions in concurrence with and approval by the Department, by the specified Date Due. Submit post construction documentation within 60 days of completion of the project.	08/01/2027

3.7 Submit Permit Reissuance Application

Required Action	Due Date
Reissuance Application: Submit a complete permit reissuance application 180 days prior to permit expiration.	03/01/2030

3.8 Explanation of Schedules

Schedules are included in the permit to ensure compliance with s. NR 243, Wis. Admin. Code, requirements.

Most of the Schedule items are typical for a large dairy facility like this one. The schedules contained in 2.1, 2.2,2.3, 2.4, and 2.7 are standard permit schedules.

Schedule Section 2.5 was required to meet permit discharge limitations. An evaluation was submitted to the department on January 29, 2021. On February 27, 2025 the department reviewed the evaluation and agreed with the determination that plans and specification would be required. Plan for the feed storage area runoff controls were approved on February 20, 2025.

Schedule Section 2.6 is being required as these facilities have further action required based on previous evaluations. See attachments for further details. Engineering evaluation or plans and specifications are required to determine if these facilities meet permit discharge limitations

Other Comments

None

Attachments

Reissuance Inspection & NON with Map(s) (May 21, 2024)

Nutrient Management Plan Approval Letter(s) (May 13, 2025)

Days of Storage Review (May 26, 2025)

Feed Storage Area Runoff Controls Plan Approval Letter (February 20, 2025)

Eval Additional Action Letter- feed storage area, calf hutch Area, outdoor lots (February 27, 2025)

Public Notice

Justification Of Any Waivers From Permit Application Requirements

NA

Prepared By: Eric Struck Agricultural Runoff Management Specialist

Date: [June 11, 2026](#)



May 21, 2024

Keith Mortiz
Pond Hill Dairy LP
N1014 Poeppel Road
Fort Atkinson WI, 53538

WPDES Permit No. WI-062341-04-1
Jefferson County

Subject: Notice of Noncompliance and Inspection Report Summary

Dear Mr. Moritz:

The Department of Natural Resources (department) has reason to believe that Pond Hill Dairy LP is in noncompliance with its Wisconsin Pollution Discharge Elimination System Permit No. WI-0062341-04-1 that became effective on April 1, 2020. Pond Hill Dairy LP's Main Farm is located at N1014 Poeppel Road, Fort Atkinson, WI 53538. Based on findings during permit requirements and inspection on March 23, 2024, the department believes the facility is not complying with the following permit conditions.

1. **Permit Section 1.3 Manure and Process Wastewater Storage-** All permittees shall have and maintain adequate storage for all manure and process wastewater generated at the operation to ensure that wastes can be properly stored, and land applied in compliance with the conditions and timing restrictions of the permit, a Department approved nutrient management plan and s. NR 243.14(9).
 - a. At the time of the inspection the runoff collection for the feed storage area was not operating as designed. Runoff and leachate were bypassing the collection and VTA. The runoff and leachate was then leaving the production area, via road side ditches and channelized flow to a cropped field north of production area.
 - b. At the time of the inspection runoff from the calf hutch area was observed leaving the area through stormwater drains and flowing around the driveway and calf hutch area.
2. **Permit Section 2.6- Feed Storage-Engineering Evaluation-** submit an engineering evaluation of the storage facility by August 1, 2020. Plans and specifications for potential upgrades to this facility is also due by February 1, 2021. Corrections and post construction due August 1, 2021
 - a. An engineering evaluation was submitted for the feed storage area and runoff controls stating the feed storage area collection will need to be modified to meet the current standards (1/28/2021).
 - b. To date no further plans and specifications have been received by the department.

As of today, the department as not received the items listed above. Discussions about the feed storage area runoff controls and calf hutch area and runoff controls were had during the inspection. During this conversation plans for the feed storage and calf hutch areas and runoff controls were discussed. **Please Replay to the department by July 1, 2024** with a plan on how to address the outstanding permit schedule items. Please understand that you are in noncompliance and will remain in noncompliance until you take all necessary actions to address

noncompliance issues listed above. Failure to respond in a timely manner may result in escalated enforcement actions.

Attached you will also find a copy of the inspection report from the department's reissuance inspection on March 26, 2026. Please review the attached site inspection report. Plans and Specifications for the runoff controls will be required prior to reissuance. The end of the report summarizes areas of concern, action items, and possible schedule items for the next permit term.

The final permit application should be submitted by September 30, 2024. Permit application materials must be submitted through the ePermitting System located at <http://dnr.wi.gov/permits/water/>. The following is required for a complete permit application:

Permit Application Materials Required for All Operations:

- 3400-025 form (Livestock/Poultry Operation WPDES Permit Application)
- 3400-025A form (Animal Units Calculation Worksheet)
- 3400-025B form (Nutrient Management Plan Checklist)
- 3400-025C form (Reviewable Facilities of Systems Checklist)
- Soil survey map(s) for each site managed by your operation
- Labeled aerial map(s) showing the features and structures located at each site managed by your operation (clearly delineate what is existing and proposed)
- Calculations documenting a minimum of 180 days liquid manure (and process wastewater) storage
- Supporting documentation for 180-day storage calculations
- A complete 5-year Nutrient Management Plan (NMP). If necessary, include a description of permanent spray irrigation systems and any other landspreading or treatment systems (proposed or active)
- **Plans and Specifications to address permit schedule item 2.5- Feed Storage Runoff Controls**
- *Plans and specifications for reviewable facilities (if proposed)

**Note: Plans and specifications must be submitted through the ePermitting system as a separate submittal*

If you have any questions regarding this letter, inspection report, or permit requirements, please contact me at (608) 422-1512 or eric.struck@wisconsin.gov.

Sincerely,



Eric J. Struck

Agricultural Runoff Management Specialist – Bureau of Watershed Management

Wisconsin Department of Natural Resources

Cell: (608)-422-1512

eric.struck@wisconsin.gov

Attachments: Inspection report March 26, 2024

CC: Laura Bub, Falon French, James Salscheider, Tabitha Davis, Hannah Davidson (WDNR)
Jason Hoesly (Pond Hill Dairy LP)
Bob Pofahl, Ryan Nehls (REA)
Tom Novak (Total Crop Management)
Joe Strupp, Sam Peterson (Jefferson County)



May 13th, 2025

Jefferson County
Approval

Keith Moritz
Pond Hill Diary, LP
N998 Hwy K
Fort Atkinson, WI 53538

SUBJECT: Conditional Approval of Pond Hill Diary, LP Nutrient Management Plan, WPDES
Permit No. 0062341-05-0

Dear Keith Moritz:

After completing a review of Pond Hill Diary, LP 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 Pond Hill Diary, LP 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 1,875 animal units (900 milking & dry cows, 700 heifers, and 100 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 13,051,624 gallons of manure and process wastewater and 2,354 tons of solid manure in the first year of the permit term. By 2026 once expanded collection takes place, the farm is projected to annually generate approximately 17,104,937 gallons of manure and process wastewater and 2,354 tons of solids manure.
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 Pond Hill Diary, LP currently has 1,801.7 acres (1,156.5 owned and 645.2 controlled through contracts, rental agreements or leases, or under manure agreements) of which 1,796.3 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 Pond Hill Dairy, LP 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:
 - SCH02 (>200 ppm P)

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

3. If existing fields yield a soil test results equal to or greater than 200 ppm P, those fields would be prohibited from receiving manure or process wastewater applications, unless you obtain Department approval in accordance with NR 243.14(5)(b)2., Wis. Adm. Code.
4. All liquid manure samples collected may be analyzed, at a minimum, for percent dry matter, total nitrogen, percent $\text{NH}_4\text{-N}$, percent $\text{NO}_3\text{-N}$, phosphorus, potassium, and sulfur.
5. If manure sample results have a dry matter (DM) content less than 2.0% and the percent ammonium (NH_4^+) is greater than 75% of the total N, Pond Hill Dairy, LP 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. Pond Hill Dairy, LP shall record daily manure applications by using form 3200-123A. These forms shall be retained at the farm and provided to the department upon request.
7. Pond Hill Dairy, LP 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 Reports' 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:
 - HOM04
 - HOM07

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. These headland stacking sites are approved for use with the following criteria during February and March, or any period of the year when the ground is not frozen, or snow covered.
 - Solids content of manure must be >32% solids.
 - Site can be used for 1 year out of every 2 years.
 - Sites can be used to stack for a maximum period of 8 months and should not exceed 40,000 cubic feet in size. Sites must remain a minimum of 100’ apart when in active use.

- HOM01-1	- HOM04-1	- HOM05-1
- HOM06-1	- HOM08-1	- HOM12-1
- HOME12-2	- HOM15-1	- MCI07-1
- NEL02-1	- PET02-1	- PET02-2

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.

COMPLIANCE REMINDER

16. All applications of manure should be verified for compliance in the NMP to make sure planned rates are not in exceedance of nutrient requirements laid out in Snap Plus. The farm is responsible for carrying out rates which are not in exceedance of nutrient requirements laid out in Snap Plus & UWA2809.

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,

A handwritten signature in black ink that reads "Ashley Scheel". The signature is written in a cursive, flowing style.

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

cc: Eric Struck, WDNR Agricultural Runoff Management Specialist (Eric.Struck@Wisconsin.gov)
Tony Knipfer, WDNR Agricultural Runoff Management Specialist (Anthony.Knipfer@Wisconsin.gov)
Laura Bub, WDNR Watershed Field Supervisor (Laura.Bub@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)
Falon French, WDNR Intake Specialist (Falon.French@Wisconsin.gov)
Rob Davis, WDNR CAFO Engineer (Robert.Davis@Wisconsin.gov)
Patricia Cicero, Jefferson County (patriciac@jeffersoncountywi.gov)
Thomas Novak, Total Crop Management, LLC (totalcropmanagement@gmail.com)
File



March 26, 2025

FILE REF: R-2024-0307
WPDES Permit #: WI-0062341

Keith Moritz
Pond Hill Dairy
N1014 Poeppel Road
Fort Atkinson, WI 53538

Subject: Days of Storage Review for Pond Hill Dairy in T5N, R14E, Section 20 Koshkonong Township,
Jefferson County – NO ADDITIONAL ACTION REQUIRED

Dear Mr. Moritz:

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 Dave McDaniel, P.E., Auth Consulting & Associates on November 27, 2024 with the existing condition calculations submitted on March 11, 2025 on behalf of Pond Hill Dairy.

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 Pond Hill Dairy currently has 185 days of liquid waste storage and will have 266 days of liquid waste storage after construction of the recently approved WSF 3 (approved by DNR Project R-2024-0260 to provide full collection of runoff from the feed storage area) 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 and proposed number of animal units provided for the calculation is 1,875. The liquid waste volumes are based on the NRCS spreadsheet and other estimated or calculated values for a collection period of 365 days. With construction of DNR Project R-2024-0260, full collection of leachate and runoff from the feed storage area will be provided for up to the 25-yr, 24-hr storm event. The current conditions represent a first flush collection system from the feed storage area.

Existing Condition (Before Construction of WSF 3) with 1,875 AU – 185 Days of Storage

Total Annual Liquid Waste Volume (NRCS Table Values)	
Liquids Collected/Stored	Annual Gallons
Manure and Bedding:	8,706,705
Parlor Wastewater:	2,044,000
Total Feed Storage Leachate:	74,800
Total Feed Storage Runoff Collected:	366,853
Net Precipitation on Storage Surfaces:	1,859,266
Total Liquid Waste Stored Below the MOL:	13,051,624

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	2,690,750	0	122,555	0	309,612	2,258,584
WSF 2	5,235,267	235,620	190,620	0	467,116	4,341,557
					Total MOL Volume:	6,600,141

Proposed Condition (After Construction of WSF 3) - 1,875 AU – 266 Days of Storage

Total Annual Liquid Waste Volume (NRCS Table Values)	
Liquids Collected/Stored	Annual Gallons
Manure and Bedding:	8,706,705
Parlor Wastewater:	2,044,000
Total Feed Storage Leachate:	112,200
Total Feed Storage Runoff Collected:	3,288,692
Net Precipitation on Storage Surfaces:	2,953,339
Total Liquid Waste Stored Below the MOL:	17,104,937

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	2,690,750	0	122,555	0	309,612	2,258,584
WSF 2	5,235,267	235,620	190,620	0	467,116	4,341,557
WSF 3	7,270,239	0	259,073	490,092	640,640	5,880,435
					Total MOL Volume:	12,480,576

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

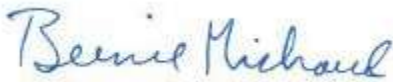
NOTICE OF APPEAL RIGHTS

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.
CAFO Review Engineer
Watershed Management Program

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(262) 501-7334; keithmoritz@pondhilldairy.com

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Matt Woodrow, P.E.; DATCP
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David McDaniel; Auth Consulting & Associates
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Laura Bub; DNR, South Central Region
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Ashley Scheel; DNR, Central Office
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Rob Davis, P.E.; DNR, Central Office
(608) 225-2720; Robert.Davis@Wisconsin.gov



February 20, 2025

FILE REF: R-2024-0260
WPDES Permit #: WI-0062341

Keith Moritz
Pond Hill Dairy
N1014 Poeppel Road
Fort Atkinson, WI 53538

Subject: Conditional Approval of Plans & Specifications for a Proposed WSF3, Waste Transfer System, and Modification of the Existing VTA at Pond Hill Dairy in T5N, R14E, Section 20 Koshkonong Township, Jefferson County

Dear Mr. Moritz:

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 David McDaniel, P.E., Auth Consulting & Associates and received on October 29, 2025 with revisions received on January 23, 2025 and February 19, 2025. The review was conducted in accordance with s. 281.41, Wis. Stats., chs. NR 151, NR 213 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: Proposed WSF3, Waste Transfer System, and Modification of the Existing VTA.

Conditions of Approval: The plans and specifications for project number R-2024-0260 are hereby approved and subject to chs. NR 151, NR 213 and NR 243, Wis. Adm. Code, and the conditions listed below:

1. **Approval Conditions:** The following conditions are authorized to address potential pollutant discharge, based on the site specific factors listed in s. NR 243.15(1)(d), Wis. Adm. Code, and described in the attached engineering report.
 - a. **Test Pits:** This approval is conditional upon completing adequate soil test pits to confirm separation to bedrock per NRCS 634 for the proposed waste transfer pipe. Additional test pits must be dug during construction so that the entire waste transfer pipe is within 100 ft of a test pit to confirm 6 inches of separation from bedrock for the waste transfer pipe. The additional test pits will ensure the waste transfer pipe is compliant with NRCS 634. Documentation of the test pits must be provided in the post-construction submittal for the project.
2. **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.
3. **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.
4. **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).

5. **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).
6. **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, P.E.
CAFO Engineer Supervisor
Watershed Management Program

Enclosures: Wisconsin DNR Engineering Report

Email: Keith Moritz; Pond Hill Dairy
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Laura Bub; DNR, South Central Region
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Aaron O'Rourke; DNR, Eau Claire
(715) 839-3775; Aaron.Orourke@wisconsin.gov

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:** Pond Hill Dairy**WPDES Permit#:** WI-0062341**Location Address:** N1014 Poeppel Road, Fort Atkinson**DNR Project #:** R-2024-0260**Engineering Plans Certified by:****Initial Submittal:****Revised Submittal(s):**

David McDaniel, P.E.

October 29, 2025

January 23, 2025

February 19, 2025

Site Assessment: Geographical features of the site include soils that are Kidder sandy loam and Tuscola silt loam. The nearest stream is approximately 3,400 ft to the northeast and is intermittent in nature. The nearest wetland is approximately 2500 ft to the southeast of the proposed construction area. No karst features are known to exist within 1,000 ft of the proposed facilities or systems. No ground water supply wells are located within 250 feet of the proposed facilities or systems.

Soil investigations were performed on July 24, 2024 consisting of 8 test pits in the proposed project area, which found the primary subsoils consist of silt (ML), sand with clay (SC), sand with silt (SM), and clay (CL) with a fines content in the range of 20 to 49%. Bedrock was not found. Saturation was found in 3 of the 8 test pits but was at depths greater than the required separation distance of 2.5 feet.

PROJECT SUMMARY: The proposed project will provide full collection of leachate and contaminated runoff for the 25-yr, 24-hr storm event from the feed storage area. The full collection will be provided by modifying the existing/previously approved vegetative treatment area, installing a proposed waste transfer system, and installing a proposed WSF3.

Proposed Facilities:

Waste Storage (WSF3): 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 proposed design was also submitted to meet ch. NR 213, Wis. Adm. Code, because the waste storage facility will be used to store process wastewater. The design is compliant with s. NR 243.15(3), Wis. Adm. Code. The proposed WSF3 will be located near the southwest corner of the production area on the main farm, immediately west of the existing WSF1 and WSF2. Below is a summary of what is proposed.

- The proposed WSF3 will be rectangular shaped with interior top dimensions of 250 ft x 350 ft x 17 ft deep (at the north/deep end). The embankment walls and floor are designed with 5 inch and 6 inch thick steel reinforced concrete with waterstop respectively.
- The proposed storage will have a total and maximum operating level (MOL) volume of 7,270,239 and 5,880,435 gallons respectively.
- The floor elevation will be 857.5 ft at the south end and 855.5 ft at the north end and the MOL elevation will be 870.25 ft. Interior and exterior embankment slopes will both be 3:1 with a berm width of 12 ft.
- A 16 ft wide ramp will extend down the southeast corner of the proposed storage pond.
- A proposed drainage ditch will be constructed to divert clean water around the proposed WSF3. The ditch will collect water from the southeast corner and direct it westerly along the south end and turn north along the west side and ultimately flow north of the proposed waste storage.

Waste Transfer System: The proposed design was submitted to meet with NRCS Standard 634 (11/22). The design is compliant with s. NR 243.15(4), Wis. Adm. Code.

- A 12 inch diameter HDPE pipe will collect process wastewater from the end of the VTA and flow to a proposed 4 ft diameter precast manhole (ASTM C478) with a liquid tight connection. The PWW will be pumped to the proposed WSF3 at 340 gpm with the proposed pump.
- The proposed waste transfer pipe will be approximately 1,290 LF of 6 inch diameter SDR21 pipe and will pump PWW from the proposed manhole to the proposed WSF3 with a Houle 10 HP 3" Pump.

Pump calculations show an operating pressure of 20.8 psi and a velocity of 3.9 fps. The pump will have a float to turn on and off automatically.

- A 24 inch diameter HDPE pipe will be installed in the existing leachate distribution manhole to direct process wastewater (via gravity flow) to the existing spreader bar at the existing VTA which will be converted to the runoff collection transfer basin.
- A 15 inch diameter HDPE pipe will be installed in the existing leachate distribution manhole to direct process wastewater (via gravity flow) to the existing spreader bar at the existing VTA which will be converted to the runoff collection transfer basin. The new 15 inch pipe will replace the existing 15 inch pipe that currently directs process wastewater overflow to a riprap channel that bypasses the VTA. The existing pipe will either be rerouted or removed and replaced with a new pipe.

Production Area Runoff Controls/Runoff Collection Transfer Basin: The existing vegetative treatment area (VTA) was approved by DNR under project R-2015-0132 to meet NRCS Standard 635 (12/14). This project proposes to modify the existing VTA by constructing a berm along the sides and the bottom (down slope end). The design is compliant with s. NR 243.15(2), Wis. Adm. Code. Below is a summary of what is proposed.

- Process wastewater from the feed storage area will continue to be directed to the VTA.
- Any process wastewater that reaches the bottom will be collected in a proposed waste transfer pipe and manhole and pumped to the proposed WSF3.
- The VTA, with the proposed berms added to three sides, in conjunction with pumping has adequate capacity to collect the 25-yr, 24-hr runoff event.
- The berm will be along the south, west, and north sides of the existing VTA and will match the highest point at the upstream (east) end of the VTA.

DAYS OF AVAILABLE LIQUID WASTE STORAGE: The submitted information states that Pond Hill Dairy has 266 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 1,875. The liquid waste volumes are based on the NRCS spreadsheet and other estimated or calculated values for a collection period of 365 days. With construction of this proposed project, full collection of leachate and runoff from the feed storage area will be provided for the 25-yr, 24-hr storm event.

Total Annual Liquid Waste Volume (NRCS Table Values)	
Liquids Collected/Stored	Annual Gallons
Manure and Bedding:	8,706,705
Parlor Wastewater:	2,044,000
Total Feed Storage Leachate:	149,600
Total Feed Storage Runoff Collected:	3,288,692
Net Precipitation on Storage Surfaces:	2,953,339
Total Liquid Waste Stored Below the MOL:	17,142,337

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	2,690,750	0	122,555	0	309,612	2,258,584
WSF 2	5,235,267	235,620	187,400	0	458,087	4,354,160
WSF 3	7,270,239	0	259,073	490,092	640,640	5,880,435
					Total MOL Volume:	12,493,179

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 February 20, 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 with specific conditions (justification provided). The following condition is recommended to be added to the approval letter:

- Test Pits: This approval is conditional upon completing adequate soil test pits to confirm separation to bedrock per NRCS 634 for the proposed waste transfer pipe. Additional test pits must be dug during construction so that the entire waste transfer pipe is within 100 ft of a test pit to confirm 6 inches of separation from bedrock for the waste transfer pipe. The additional test pits will ensure the waste transfer pipe is compliant with NRCS 634. Documentation of the test pits must be provided in the post-construction submittal for the project.



Rob Davis, P.E.
Water Resources Engineer



February 27, 2025

FILE REF: R-2021-0017
WPDES Permit #: WI-0062341

Keith Moritz
Pond Hill Dairy
N1014 Poeppel Road
Fort Atkinson, WI 53538

Subject: Evaluation Review for Pond Hill Dairy in T5N, R14E, Section 20 Koshkonong Township,
Jefferson County – FURTHER ACTIONS ARE REQUIRED

Dear Mr. Moritz:

This letter is to inform you that the Department received on January 29, 2021, the evaluation for the Main Farm Calf Hutch Area, Main Farm Feed Storage Area, Farm 2 Feedlot, Farm 5 Feedlot, and days of storage was submitted under certification by Robert Pofahl, P.E., Resource Engineering Associates, Inc. on behalf of Pond Hill Dairy. Bob Pofahl evaluated the facilities listed below based on applicable NRCS Standards and ch. NR 243 Wis. Adm. Code.

In accordance with s. 243.16(1), Wis. Adm. Code, when submitting an evaluation for an existing facility the evaluation shall include, at a minimum, the following information:

- (a) A narrative providing general background and operational information on existing facilities and systems.
- (b) Available post-construction documentation including the date and materials of construction.
- (c) For facilities or systems that are part of the production area, an assessment of the ability of the facility or system to meet the production area requirements in s. NR 243.13, the adequate storage requirement under s. NR 243.14 (9), and accepted management practices.
- (d) An assessment of the ability of the facility or system to meet the applicable design requirements identified in s. NR 243.15.
- (e) Any proposed actions to address issues identified as part of the evaluation.

The Department has reviewed the evaluation for the reviewable facilities listed below and finds that they meet the requirements for submission listed above. Bob Pofahl assessed each reviewable facility in accordance with s. NR 243.16(1) and has concluded that some of the reviewable facilities listed below meet the ch. NR 243 requirements or will be compliant with ch. NR 243 and that other reviewable facilities require further actions to be compliant with ch. NR 243.

Required Actions for Reviewable Facilities

- Calf hutch area runoff must be addressed to ensure compliance with ss. NR 243.13(2) and NR 243.15(2), Wis. Adm. Code. This could be done by installing compliant runoff controls or by housing the calves under cover, as stated in the evaluation.
- Construct the Department approved plans for runoff controls for the feed storage area. The plans were approved under DNR Project R-2024-0260 and will provide full collection of leachate and contaminated runoff for the 25-yr, 24-hr storm event from the feed storage area. After construction of the runoff controls are completed the post-construction documentation must be submitted to the Department, as required by the conditional approval.

Reviewable Facilities Requiring Some Other Submittal

- Request an alternative well set back design approval for the well located southwest of the feed storage area. Well Unique Number YJ568 appears to be within 250 feet of the feed storage area (s. NR 243.15(1)2) and it does not appear that a well setback variance or alternative design or practice was requested or granted at the time of construction. Alternative well setbacks are reviewed and approved

under the authority of s. NR 243.15(1)(c), Wis. Adm. Code. Alternatively, provide the approval that was provided when the feed storage area was constructed.

In accordance with s. NR 243.16(3), Wis. Adm. Code, the Department requires additional practices or actions based on the Department's review of the submitted evaluation for the previously constructed structures or systems. This may include (1) additional technical analysis, modeling or monitoring to demonstrate compliance or (2) installation, replacement or upgrade of systems or structures in order to ensure compliance with requirements in ss. NR 243.13 and 243.15, prevent exceedances of groundwater or surface water quality standards or to prevent impairments to wetland functional values.

Submit plans and specifications through the Department's ePermitting system at <http://dnr.wi.gov/permits/water/>. Submittal due dates are contained in your WPDES permit Schedules section(s). The DNR CAFO Specialist will contact you to discuss next steps. Questions concerning permit requirements should be directed to the DNR CAFO Specialist (contact information at the end of this letter). Questions concerning the review may be directed to Rob Davis.

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

Enclosures: Wisconsin DNR Engineering Report

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Eric Struck; DNR, South Central 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:** Pond Hill Dairy**WPDES Permit#:** WI-0062341**Location Address:** N1014 Poeppel Road, Fort Atkinson**DNR Project #:** R-2021-0017**Engineering Certification by:** Robert Pofahl, P.E.**Evaluated Facilities:**

Main Farm - Calf Hutch Area Runoff Controls: The Main Farm has 139 calves confined to hutches on an area that is approximately 25,110 square feet. Runoff from the north portion of the calf hutch area flows east through a culvert under the access road east of the farm and into an adjacent field and flows to the north. Runoff from the south portion of the calf hutch area flows south into a ditch and through a culvert to the west and into an adjacent field.

- The evaluation states, "...runoff appears to be collected within the fields and we believe meets the intent of zero discharge."
 - The Department does not agree with this assessment. Topographic mapping with 2-ft Lidar contours indicates that contaminated runoff under heavy rainfall or saturated conditions could reach tributaries and ultimately Allen Creek.
- The evaluation states, "The farm has future plans for housing the calves under cover."
 - The Department agrees that this option would remove the need to provide runoff controls for the calves.
- Submit plans and specifications to either abandon the calf hutch area in accordance with s. NR 243.17(7), Wis. Adm. Code and move the calves under cover or submit plans and specifications to construct a runoff control system for the calf hutch area in accordance with ss. NR 243.13 and 243.15(2), Wis. Adm. Code.

Main Farm - Feed Storage Area Runoff Controls: Currently the feed storage area has a first flush collection system. The Department approved plans for DNR Project R-2024-0260 for a full collection system which will provide full collection of leachate and contaminated runoff up to the 25-yr, 24-hr storm event from the feed storage area. With construction of the approved plans, runoff controls for the feed storage area will be compliant with ch. NR 243, Wis. Adm. Code.

- The approved project must be constructed to provide compliant runoff controls.
- After construction is complete the post-construction documentation must be submitted to the Department, as required by the conditions of approval.

Farm 2 – Concrete Feedlot:

- The evaluation states, "The north portion of the feed lot at Farm 2 does not meet zero discharge....". It goes on to say, "Pond Hill Dairy has plans for abandoning the portion of the lot and housing the heifers at the Main Farm."
 - The Department agrees with the findings in the evaluation for the north portion of the feed lot at Farm 2.
 - Since the time when the evaluation was submitted, this feedlot has been abandoned. If future use is desired for this feedlot, plans and specifications must be submitted to the Department for review and approval prior to using the feedlot.
- The evaluation states, "The south portion of the feed lot meets zero discharge as long as the 4" curb is maintained and 100% of the runoff is collected in the manure storage at Farm 2. Pond Hill Dairy plans on keeping bred heifers on the south portion."
 - The Department agrees with the findings of the evaluation that the south portion of the concrete feedlot at Farm 2 is compliant with NR 243.

Farm 5 – Concrete Feedlot:

- The evaluation states, “The feed lot at Farm 5 does not meet zero discharge....”. It goes on to say, “Pond Hill Dairy has plans for abandoning the portion of the lot and housing the heifers at the Main Farm.”
 - The Department agrees with the findings in the evaluation for the feed lot at Farm 5.
 - Since the time when the evaluation was submitted, Farm 5 has been completely abandoned.

Days of Available Storage: The days of available liquid waste storage has changed since this evaluation was submitted. The most updated information was reviewed under DNR Project R-2024-0260. The days of available liquid waste storage will be submitted and reviewed again in the near future as a requirement of the WPDES permit renewal.

Evaluation Stated Proposed Actions

- The evaluation states, “The farm has future plans for housing the calves under cover.”

Department Comments to Proposed Actions

- The Department agrees that the actions proposed by Pond Hill Dairy would bring the farm into compliance with ch. NR 243, Wis. Adm. Code as it relates to runoff controls.
- Pond Hill Dairy must also construct the runoff controls for the feed storage area as approved by DNR Project R-2024-0260 and submit post-construction documentation after completion of the project.

DECISION RECOMMENDATION: Based on my review completed on February 21, 2025, the reviewable facilities identified above require further actions.



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

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

PUBLIC NOTICE OF AVAILABILITY OF A NUTRIENT MANAGEMENT PLAN AND INTENT TO REISSUE
A WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT No. WI-0062341-05-0

Permittee: Pond Hill Dairy, LP, N998 Hwy K, Fort Atkinson, WI, 53538

Facility Where Discharge Occurs: **Main Farm:** N1014 Poeppel Road, Fort Atkinson, WI 53538 NE1/4 of SE1/4 Sec. 20 T5N, R14E, Koshkonong Township, Jefferson County; **Farm 2:** N738 Poeppel Road, Fort Atkinson, WI 53538, SE1/4 of NE1/4 Sec. 29 T5N, R14E, Koshkonong Township, Jefferson County

Receiving Water And Location: Surface water and groundwater within the Lower Koshkonong Creek & Rock River Watersheds

Brief Facility Description : Pond Hill Dairy LP is an existing Concentrated Animal Feeding Operation (CAFO). Pond Hill Dairy LP is owned and operated by Kieth Mortiz. The farm currently has 1,875 animal units. (900 milking & dry cows, 350 heifers up to 1200 lbs, 350 heifers up to 800 lbs and 100 dairy/beef calves). Pond Hill Dairy LP has a total of 1,797 acres available for land application of manure and process wastewater. Of this acreage, 1,158 acres are owned, and 645 acres are rented or controlled through manure agreements. Pond Hill Dairy LP has no planned expansion during the proposed permit term. Approximately 11,461,873 of manure and process wastewater and 0 tons of solid manure in the first year of the permit term. The farm has a proposed 191 days of liquid manure storage and at least 59 days of solid manure storage.

Two facilities are currently covered under Pond Hill Dairy LP WPDES Permit. The main dairy site is located at N998 Hwy K Fort Atkinson, WI 53538 and is composed of 3 dairy freestall barns, milking parlor, calf barn, feed storage area with a VTA, and 2 waste storage facilities. The Farm 2 is located at N738 Poeppel Rd Fort Atkinson, WI 53538 and is composed of one abandoned waste storage facility, one outdoor feedlot with barn and a pasture area. Farm 5 has been abandoned and will be removed from permit coverage.

The Department has tentatively decided that the above specified WPDES permit should be reissued.

Permit Drafter's Name, Address, Phone and Email: Eric Struck, WDNR, 141 NW Barstow Street, Suite 180, Waukesha, WI, 53188-3789, (608) 422-1512, Eric.Struck@wisconsin.gov

Persons wishing to comment on or object to the proposed permit action, the terms of the nutrient management plan, or the application, or to request a public informational hearing may write to the Department of Natural Resources at the permit drafter's address. All comments or suggestions received no later than 30 days after the publication date of this public notice will be considered along with other information on file in making a final decision regarding the permit. Anyone providing comments in response to this public notice will receive a notification of the Department's final decision when the permit is re-issued. Where designated as a reviewable surface water discharge permit, the U.S. Environmental Protection Agency is allowed up to 90 days to submit comments or objections regarding this permit determination. If no comments are received on the proposed permit from anyone, including U.S. EPA, the permit will be re-issued as proposed.

The Department may schedule a public informational hearing if within 30 days of the public date of this notice, a request for a hearing is filed by any person. The Department shall schedule a public informational hearing if a petition requesting a hearing is received from USEPA or from 5 or more persons or if the Department determines there is significant public interest. Requests for a public informational hearing shall state the following: the name and address of the person(s) requesting the hearing; the interest in the proposed permit of the person(s) requesting the hearing; the reasons for the request; and the issues proposed to be considered at the hearing.

Information on file for this permit action, including the draft permit and fact sheet (if required), the operation's nutrient management plan and application may be inspected and copied at the permit drafter's office, Monday through Friday (except holidays), between 9:00 a.m. and 3:30 p.m. Please call the permit drafter for directions to their office location, if necessary. Information on this permit action may also be obtained by calling the permit drafter at (608) 422-1512 or by writing to the Department. Reasonable costs (15 cents per page for copies and 7 cents per page for scanning) will be charged for information in the file other than the public notice and fact sheet. Permit information is also available on the internet at: <http://dnr.wi.gov/topic/wastewater/PublicNotices.html>. Pursuant to the Americans with Disabilities Act, reasonable accommodation, including the provision of informational material in an alternative format, will be made to qualified individuals upon request.

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