

**ENVIRONMENTAL ANALYSIS AND DECISION ON THE
NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS)**

**Department of Natural Resources
Form 1600-1 Rev. 3-87**

Region or Bureau:	Bureau of Watershed Management
Type List Designation:	II

Contact Person:	<u>Doris Thiele</u>
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NOTE TO REVIEWERS: Comments should address completeness, accuracy, or the EIS decision. For your comments to be considered, they must be received by the contact person before 4:30 p.m., June 2, 2000.

Applicant: Matsche Farms Inc.
Mr. Scott Matsche

Address: N9035 River Road, Birnamwood, WI 54414

Title of Proposal: WPDES Permit for large dairy facility expanding to exceed 1000 animal units

Location: Shawano County, Birnamwood and Almon Townships
T28N, R12E, SE ¼ Section 7
North Branch and Mainstem Embarrass River Watershed, Wolf River Drainage Basin

PROJECT SUMMARY

1. General Description (brief overview)

Matsche Farms has requested a permit, as required by state and federal regulations, to allow for the expansion of their dairy farm which would exceed the 1000 animal unit level. The operation plans to expand in stages over the next 5 years.

Matsche Farms consists of three separate sites. Site 1, known as the Dairy Center, is the future site for the milking parlor and housing the milking herd. Plans include construction of a new milking parlor, a freestall barn and a manure storage facility. These new buildings and those at the adjoining locations will be housing approximately 750 milking cows and heifers, or 1,050 animal units by the end of the summer of 2000. The construction of the freestall barn and completion of the manure storage facility is scheduled for August 2000. A special needs freestall barn will be constructed in the summer of 2003. By December 2005, the operation plans to be operating at capacity of 1,100 milking cows and 350 dry cows and replacement heifers. During the summer of 2005, an additional freestall barn and another manure storage facility are planned for construction.

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Site 2 is known as the Home Farm. It currently houses approximately 180 cows. The Home Farm will be used to house the dry cows and freshening heifers. Since it is contiguous to the Dairy Center, it will be included in the proposed permit. After construction of the special needs freestall barn in the summer of 2003, the Home Farm (Site 2) will be retired.

Site 3 is known as the Steer Farm. It currently houses approximately 30 feeder steers. By December 2000, all the steers will be sold. In the future, the site will be used for emergency housing of any overflow from the Dairy Center or Home Farm. Since it is contiguous to the Dairy Center, it will be included in the proposed permit.

Manure Handling: Using the existing above ground concrete storage facility, (built in 1993) and the proposed in-ground concrete-lined storage facility will accomplish temporary storage of manure. The new, proposed facility is designed to store 5,000,000 gallons of liquid manure for a period of 365 days. The Department of Natural Resources (WDNR) is currently reviewing the plans and specifications for the project. DNR approval of the project's conformance with NRCS Standard 313 must be granted before any construction is begun on the manure storage facilities. Milking center wash waters will be directed to this storage facility also. The existing above ground storage has the capacity to hold manure produced for up to six months and will need to be evaluated as part of the permit requirements. Pending this evaluation, it may have to be upgraded, abandoned or approved for use "as is" in order to be in compliance with existing standards for manure storage facilities. This storage is emptied every 6 months and the manure is disposed of via landspreading. The manure at Site 2 is hauled daily and there are no plans to construct any type of manure storage facility at this site. At Site 3 the manure is allowed to build up in the steer barn. The manure pack is hauled ever three months or as the need arises. Manure is applied to crop fields as fertilizer. About 1,400 acres of cropland is available for this use. Matsche Farms owns approximately 900 acres and rents another 500 acres of cropland. Application rates are determined through the use of a comprehensive manure management plan in accordance with the Natural Resources Conservation (NRCS) 590 Standard. The management plan is designed to limit application of manure to the level needed to adequately supply the nutrient needs of crops being raised. Manure management plans must identify environmentally sensitive areas and those areas susceptible to runoff pollution to surface or ground water. Precautions must be taken to avoid runoff by incorporating the manure into the soil in environmentally sensitive areas. A certified crop consultant is required to develop the manure management plan. When spreading occurs in the North Branch and Mainstem Embarrass River Watersheds, the normal setback distances have been doubled. No runoff of manure or ponding in fields is allowed at any time.

2. Purpose and Need (include history and background as appropriate)

The operation will be expanded to provide a more economically efficient operation. Depressed milk prices, escalating operating costs and the cost of utilizing modern technology have increased the need to utilize efficiency of increased volume. Economies of scale are driving a current trend toward larger farms in Wisconsin.

3. Authorities and Approvals (list local, state and federal permits or approvals required)

This operation is already operating with a Grade A milk permit. A permit has also been in place to cover the design and construction of the manure storage facility issued by the Shawano County under their Manure Storage Ordinance. The Department of Natural Resources (WDNR) is also requiring a Wisconsin Pollution Discharge Elimination System (WPDES) permit. Building permits have been issued for the construction of the freestall barn and associated milking parlor from the Town of Almon and the Town of Birnamwood, Shawano County. A construction site erosion control plan and permit is required because approximately 5 acres are being disturbed for construction. Matsche Farms has applied for this permit.

4. Estimated Cost and Funding Source

The cost of this expansion is estimated at about \$2,500,000 including building construction, manure storage facility excavation, land preparation and livestock purchase. The funding will be arranged privately by Mr. Scott Matsche.

PROPOSED PHYSICAL CHANGES

5. Manipulation of Terrestrial Resources (include relevant quantities - sq. ft., cu. yard, etc.)

The total land area of the current project is approximately 5 acres of cropland, whereby the planned activities of this expansion will not violate its current agricultural zoning. The excavation needed for the current project (year 2000) will be to construct an additional barn, manure storage facility, and a feed storage bunker. The milking parlor has already been constructed. The soil displaced for construction of the manure storage facility has been used as fill for the subgrade of the new freestall barn and milking parlor. The stage 2 expansion in year 2003 will include the special needs freestall barn.

6. Manipulation of Aquatic Resources (include relevant quantities - cfs, acre feet, MGD, etc.)

No water resources will be disturbed. There are no open or outside animal lots existing or proposed at Site 1. Site 2 has a pasture that is over four acres in size. This pasture appears to be internally drained. Site 3 also has a pasture at least three acres in size. Both pastures are required to maintain sufficient grass cover to prevent any runoff from occurring. There are no surface waters in the vicinity.

7. Buildings, Treatment Units, Roads and Other Structures (include size of facilities, road miles, etc.)

At Site 1 there is an existing 225-stall freestall barn for housing heifers. During the summer of 2000, the addition of a 568-stall freestall barn, measuring 115 by 415 feet, is proposed. It is intended to accommodate housing the increased milking herd. Both barns are designed to provide maximum ventilation for cattle health and comfort. The barns provide protection from runoff for the majority of the herd by eliminating rainfall from areas where the herd is housed. Runoff controls will be required to control any leachate and stormwater from feed storage areas. Additional studies will be required to verify that the manure storage facility built in 1993 meets NRCS standards designed to protect groundwater quality and insure structural integrity. The proposed five million gallon manure storage facility was designed and will be constructed according to NRCS standards and specifications as required by the WPDES permit and the Shawano County manure storage ordinance. With proper management, both manure storage facilities should be adequate to protect both surface and ground water from contamination.

8. Emissions and Discharges (include relevant characteristics and quantities)

The number of animals involved in this size of operation requires the application for and issuance of a Wisconsin Discharge Elimination System (WPDES) permit. The permit being issued to Matsche Farms does not allow discharges to waters of the state except under the extreme weather conditions occurring during a 25 year rainfall event which would exceed 4.2 inches of rain in 24 hours. The expanded operation will yield an estimated 4,390,000 gallons of liquid manure per year. This volume includes milking parlor washwaters. In order to comply with their proposed WPDES permit, the operation will be required to submit a Manure Management Plan to the DNR. Spreading of manure will be regulated to minimize the possibility of runoff to any surface waters of the state including intermittent streams, waterways, ponds or wetlands. Compliance with an approved Manure Management Plan will ensure that manure applications are limited in volume per acre to the amount of nutrients necessary for optimum crop growth. Excessive applications of manure will not be allowed; therefore, the possibility of nitrogen migration through the soil and into groundwater will be minimized, and the likelihood of phosphorus being washed into streams will be minimized.

Odors in the immediate area could be objectionable during certain periods of the year. Odors from the operation, during agitation, hauling and landspreading activities are unavoidable. Odor control requirements may be imposed by order of the DNR if there is a determination that a violation of NR 429.03 - Malodorous Emissions, Wis. Admin. Code, occurs.

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9. Other Changes

No other changes are anticipated at this time.

AFFECTED ENVIRONMENT

Information Based On (check all that apply):

Literature/correspondence (specify major sources)

- 1) Environmental Assessment Questionnaire, completed by Scott Matsche, Matsche Farms Inc., submitted on August 30, 1999.
- 2) Plans and Specifications, completed by the Shawano County Land Conservation Department, submitted on January 17, 2000.
- 3) WI Pollutant Discharge Elimination System permit application
- 4) Plat Map: Almon + Birnamwood Townships, Shawano County.
- 5) Shawano County Soils Map.
- 6) WI Wetlands inventory map.
- 7) USGS topographic map
- 8) Preliminary manure management plan developed for Matsche Farms

Personal Contacts (list in item 28)

Field Analysis By: Authors Other (list in item 28)

Past Experience With Site By: Other (list in item 28)

10. Physical (topography - soils - water - air)

Matsche Farms is located in the east 1/2 of the northeast 1/4 of Section 7, T28N, R12E, Almon Township, Shawano County. Soils are primarily Rosholt fine sandy loam, with slight to moderate slopes of up to 20 percent slope. Most of the cropland and much of the farmstead drains to the Middle Branch Embarrass River Creek. The creek is classified as a trout stream. Nesting and migratory waterfowl also use this river. A zone of wetland area borders the Middle Branch Embarrass River, being primarily composed of a scrub/shrub broad-leaved vegetative community and wet/palustrine soil type. When landspreading occurs in the North Branch and Mainstem Embarrass River Watersheds, the normal setback distances have been doubled.

Much of Shawano County, in which the Matsche Farm dairy is located, is dedicated to farming. The proposed production of nearly 5,000,000 gallons of manure will cause an increase in the amount of water-based and air-based pollutants in the area, but no substantial adverse impacts are expected. The possible negative impact of increased discharges to the referenced stream should be minimized by the operator's adherence to the manure management plan, and proper maintenance of the manure storage facilities. Since the operation is located in a predominantly rural, farming community, substantial problems with the increased air pollution and subsequent odor problems are not expected.

11. Biological (dominant aquatic and terrestrial plant and animal species and habitats including threatened/endangered species; wetland amounts, types and hydraulic value)

Review of the state's Natural History Inventory reveals that there are no endangered or threatened resources at the site or the general area. However, a section of land in both the SE 1/4 of the SW 1/4 and the SW 1/4 of the SE 1/4 of Section 7 is a relatively undisturbed woodlot dominated by sugar maple, yellow birch and hemlock. Much of the area is old growth timber. Topography is rolling with several small valleys and one large stream, the North Branch of the Embarrass River, runs through the western portion of this tract. The applicant's barns are about one-half mile from this stream and his croplands are about 150 feet away.

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The area for the proposed expansion and roadway placement has historically been utilized as agricultural crop raising. Common crops have included hay, corn and small grains. The proposed expansion should have minimal impact on the existing vegetative species located in the area. Vegetation in the wetland areas bordering the Middle Branch Embarrass River, which transects this farming operation, is expected to remain in its current state. No threatened or endangered species are listed for the area.

The most significant long-term biological impact from this expansion is associated with the increased production of manure at the site. Nutrients associated with manure can have detrimental impacts on groundwater in the form of nitrogen and on surface waters in the form of phosphorus. Biochemical oxygen demand associated with manure can also impact dissolved oxygen levels in surface waters. Increased nutrient loadings into the Middle Branch Embarrass River and into the area wetlands that border this river and transect the applicant's cropland pose the greatest risk of environmental damage if manure is not properly land applied.

The cattle will be held in buildings where they are totally confined. The manure from these buildings will be transferred to a storage facility. The manure storage facilities will be required to meet appropriate design standards to ensure that groundwater impacts do not occur. No long-term nutrient impacts on wetlands, surface or ground waters from cattle housing areas are expected.

In order to protect against excessive phosphorus loadings into area surface waters, the operation will be required to develop and submit a manure management plan to WDNR for approval. WPDES permit language proposes that the manure management plan limit phosphorus loadings onto fields that drain into watersheds that include surface waters with identified water quality impacts associated with excessive nutrient loading. In these areas, landspreading of manure and the associated limitations on phosphorus loading would take into account existing soil phosphorus levels, buffer zones, crop rotations and other relevant factors.

Landspreading of manure in accordance with an acceptable manure management plan can actually have a beneficial environmental impact, rather than cause harmful effects. The nitrogen and phosphorus from the manure will provide nutrients for crop growth and reduce the use of commercial fertilizers. Application rates, applied acreage, spreading techniques and other specifications are regulated according to the manure management plan. The operation will also be required to conduct manure and soil sampling of nutrient content to determine appropriate application rates, depending on soil and crop types.

12. Cultural Features

a. Land use (dominant features and uses including zoning if applicable)

The proposed expansion should have no adverse impacts on land use. Crop fields will be converted to housing for cattle as well as manure storage facilities. The site is currently zoned as agricultural; therefore, the expanded dairy operation should not conflict with the zoning classification for intended use.

b. Social/Economic (include ethnic and cultural groups)

The site is located in a typical rural setting, with farming being the predominate business in the immediate area. The expansion of the dairy operation will involve more labor-intensive use of the area, and additional labor will need to be utilized. The proposed expansion will have a beneficial impact on the area's economy by providing additional employment opportunities in the area of the operation and increasing the tax base for the area. Additional economic expansion of the area is also anticipated for suppliers of various commodities required for the operation of the dairy including feed components, machinery, and dairy supplies. Services will be required from local veterinarians, agronomists, plumbers and contractors. Additional markets will also be available for area farms producing hay and feed for the dairy.

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c. Archaeological/Historical

On September 15, 1999, Victoria Dirst, DNR Archaeologist reported that there are no known archeological or historical resources listed in the inventories for this site. It is believed there will be no significant impacts due to the proposed expansion.

13. Other Special Resources (e.g., State Natural Areas, prime agricultural lands)

There are no wildlife reserves, natural areas or other special resources known in the area.

ENVIRONMENTAL CONSEQUENCES

14. Physical

Cropland will be converted to housing for the additional cattle as a result of this expansion. Buildings will be neat and well maintained and should not be objectionable in the agricultural area. With runoff controls required as a condition of the permit and proper diversion of clean waters from the site, impacts should be minimal. Proper maintenance of the operation will be critical, and the issuance of a permit will serve to enforce best management practices. There should be no adverse impacts on both the visual and physical environment of this area.

15. Biological (include impacts to threatened/endangered species)

The expansion will involve altered use of approximately 5 acres from crop fields to building site. There should be minimal impact on the biological diversity of the area. Due the increased number of animals at the facility, there will be an increase in manure production. As required in WPDES permit language, nutrients are to be managed in accordance with a Nutrient Management Plan. Proper utilization of the manure will benefit crop production as a fertilizer. Review of the Natural Heritage Inventory revealed that there are no endangered/threatened species at the site proposed for this farm expansion.

16. Cultural Impacts

a. Land Use (include indirect and secondary impacts)

The expansion should have no adverse direct, indirect or secondary impacts on land use. The site is currently zoned for agriculture. Land use will remain agricultural. Crop fields will be converted to animal housing. Cultural impacts because of this farm expansion will be minimal.

b. Social/Economic (include ethnic and cultural groups, and zoning if applicable)

The project is consistent with accepted agricultural practices in the area. Zoning will remain agricultural. Some additional jobs will be made available. Agricultural employment has proven to provide employment for cultural groups with limited mastery of the English language. Training opportunities are often offered by operations of this type in order to establish a dependable work force, providing opportunities for minority groups to be assimilated into the area's culture and economy.

c. Archaeological/Historical

No archaeological or historical impact is anticipated as a result of issuing this permit.

17. Other Special Resources (e.g., State Natural Areas, prime agricultural lands)

No significant impact is anticipated on State Natural Areas. A total of approximately 5 acres of fertile agricultural lands has been taken out of crop production and converted to herd housing and roadway.

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18. Summary of Adverse Impacts That Cannot Be Avoided (more fully discussed in 15 through 18)

Adverse impacts which would result from the expansion of Matsche Farms resulting in the need to have a WPDES permit include:

- The generation of large quantities of manure at one site and the associated problems in environmentally sound use of this resource. While the Department recognizes the value of manure as fertilizer essential to the production of crops and dairy production, several problems must be addressed in its handling and application. First, the manure must be stored in suitable facilities to minimize the possibility of groundwater or surface water contamination. The development of NRCS standards for manure storage facilities has addressed past problems with structural failures of these storage facilities resulting in unexpected collapse of storage facilities and resultant contamination of resource waters. The permit will also require manure management to assure proper utilization of the manure as fertilizer.
- Unfortunately, some odor and noise/dust generation can be expected with the accumulation of large quantities of manure and housing large herds in well-ventilated barns. Research continues on economical methods of controlling odor, but practical odor control has yet to be achieved. At this point in time, some odors can be anticipated during the emptying of the manure storage facilities and its subsequent transport to agricultural fields for land application as a fertilizer for crop production. Since the surrounding area is rural and an agricultural community, these impacts should not be significant.
- Approximately 5 acres of prime agricultural land will be lost from crop production and converted to animal housing.
- Some increase in traffic, noise, and dust is anticipated during construction, and to a lesser degree as feed is transported to the expanded operation and manure is disposed on fields in the area. In accordance with the standard which provides guidelines for the proper application and suitable rates to allow for maximum crop production while avoiding over fertilization of crop fields, the distances manure must be transported for application has increased. This in turn increases road usage by heavy farm equipment, as well as an increase in noise and dust generation.

ALTERNATIVES

19. Identify, describe and discuss feasible alternatives to the proposed action and their impacts. Give particular attention to alternatives that might avoid some or all adverse environmental effects.

No Action: If the operation would not expand as proposed, the adverse consequences could be avoided, but the economic benefits to the operation and the area would not be realized. Some of these economic benefits include a large addition to the tax base, the creation of jobs and the purchase of goods and services from local businesses. The permit is being issued to insure environmentally sound management practices.

Reduced Size of Operation: The proposed expansion of Matsche Farms is consistent with the current trend toward larger dairy operations in Wisconsin. Milk prices have not inflated appreciably in the past, while the cost of more efficient dairy technology continues to escalate. In order to utilize the more efficient equipment, farms are required to increase production rates. Efficiency of scale is providing the means of achieving financial viability. Reducing the size of the operation may reduce certain concerns associated with the operation, such as odor or manure transportation, but the economic viability would also be affected. Reduced operation size will also reduce the economic benefit to the area. Since the operation plans to exceed the 1000 animal unit threshold, issuance of a permit requires stricter environmental controls than a similar operation of less size with stricter enforcement requirements and penalties.

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Relocation of the Operation: If the operation were to relocate, there is no indication that the problems occurring at this site would be better from an environmental impact aspect than the present site. Furthermore, the operation is an expansion of a family farm that has been in operation for many years. Relocation at this time is not feasible. The location of this operation is well suited for the operation. Residential development in the area is low. The area is zoned agricultural, and the separation distance between the farmstead and the main drainage river is substantial. Adequate land is available in the area to provide safe applications of manure without over fertilization of soils.

EVALUATION OF EXISTING FACILITIES

The Department's alternatives when evaluating existing runoff control systems and/or manure storage facilities either as part of processing a permit or the permit itself are:

- Determine that the system/facility meets current standards and require no further action on behalf of the operation
- Determine that the system/facility does not meet current standards and allow the operation the option of abandoning, upgrading or replacing the system/facility

The selected alternative will be based on the information collected as part of this environmental assessment, permit application materials and further Department review.

REVIEW OF NEW FACILITIES

The Department's alternatives for review of proposed new manure storage facilities or modifications to existing manure storage facilities either as part of processing a permit or the permit itself are:

- Deny the plans and specifications for the design of the facility based on water quality concerns and require a resubmittal of plans and specifications
- Approve the plans and specifications for the design of the facility without conditions
- Approve the plans and specifications for the design of the facility, but with conditions requiring additional components to the facility's design or operation based on water quality concerns

The selected alternative will be based on the information collected as part of this environmental assessment and further Department review.

WPDES PERMIT

Within the constraints of the Department's existing permitting authority for CAFOs, the Department has limited alternatives to the issuance of a WPDES permit for the operation. Based on the information available to the Department, the Department cannot justify denial of the WPDES permit for the operation since it is expected that the operation will be able to comply with the conditions of the permit and not cause an exceedance of water quality standards. The Department could require more stringent conditions in the permit if it determined the conditions were necessary to protect water quality. The Department will use the information collected as part of the environmental assessment as well as part of the public comment period associated with the issuance process of a WPDES permit to make its final determination on issuance of the permit and to determine if additional restrictions in the permit are necessary.

EVALUATION OF PROJECT SIGNIFICANCE

20. Significance of Environmental Effects

a. Would the proposed project or related activities substantially change the quality of the environment (physical, biological, socio-economic)? Explain.

The physical appearance of the site will remain similar. The addition of another barn, manure storage facility, feed storage areas and equipment needed to function at permit size will have only minor changes in the immediate area. There will be some increase in odor, noise, traffic and dust from the site, which are inevitable consequences of increased herd size on a dairy farm. Since the surrounding area is agricultural and the site is relatively remote,

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these changes should not substantially change the quality of the existing environment. Properly managed, the operation should have no significant adverse effects on the surrounding area.

b. Discuss the significance of short-term and long-term environmental effects of the proposed project including secondary effects; particularly to geographically scarce resources such as historic or cultural resources, scenic and recreational resources, prime agricultural lands, threatened or endangered species or ecologically sensitive areas. (The reversibility of an action affects the extent or degree of impact)

The expansion will increase the number of cattle in the herd with a proportional increase in the manure produced. Proper management and implementation of a manure management plan should eliminate over application problems including nutrient build up in the soil and runoff potential. Approximately 5 acres of prime agricultural lands have been converted from crop raising to animal housing, but the use remains well within the intent of agricultural zoning for the area. No significant effects are anticipated in cultural resources, scenic and recreation resources, threatened or endangered species, or ecologically sensitive areas.

21. Significance of Cumulative Effects. Discuss the significance of reasonably anticipated cumulative effects on the environment. Consider cumulative effects from repeated projects of the same type. What is the likelihood that similar projects would be repeated? Would the cumulative effects be more severe or substantially change the quality of the environment? Include other activities planned or proposed in the area that would compound effects on the environment.

The increase in the size of this operation will result in an increase of manure production. Proper manure management will avoid nutrient accumulation in the soil. At this point, proposed permit conditions are based on nitrogen content in the manure, and there is the possibility of reaching high phosphorus levels in the soil. Recommendations are in place to avoid phosphorus accumulation and it is anticipated that new requirements in the manure management standards will include stricter phosphorus management, particularly in areas susceptible to runoff. Because phosphorus is immobile in the soil, the main concern is limited to fields where erosion or manure runoff would reach surface water.

22. Significance of Risk

a. Explain the significance of any unknowns that create substantial uncertainty in predicting effects on the quality of the environment. What additional studies or analyses would eliminate or reduce these unknowns? The operation will be expanded in accordance with currently accepted standards so the risks to ground or surface water are negligible. The manure management plan, by which the methods, rates and timing of manure application will be determined, must also meet current standards. The primary unknown affecting manure application is the weather. Unexpected rainfalls can increase the potential for runoff from applied fields, and there is a human judgment factor, which is subject to error. Manure loss to streams, in high concentrations, can cause temporary depletion of oxygen levels and an increase in ammonia levels resulting in fish kills. In these events, the aquatic environment recovers in a matter of a few days and lost fish can be replaced, if necessary. Long-term effects are generally limited to increased phosphorus levels in the stream until the nutrient is flushed from the system.

b. Explain the environmental significance of reasonably anticipated operating problems such as malfunctions, spills, fires, or other hazards (particularly those relating to health or safety). Consider reasonable detection and emergency response, and discuss the potential for these hazards.

Although the DNR plan and specification review will ensure that the project is constructed to meet or exceed NRCS standards, there is an inevitable risk of malfunction in any manure storage facility. Possible malfunctions include a structural failure of the facility or a leak in the liner. In these cases, a manure spill could occur. Small-scale manure spills will be addressed by the operation as part of their operation and maintenance plan. Massive failures would be defined as a spill under ch. NR 706. NR 706 describes requirements for immediate notification of the Department in the case of a spill. This requirement is included in the proposed WPDES permit. Possible consequences of a manure spill include contamination of surface water and/or groundwater and a health risk to

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humans and animals. In the case of a malfunction, appropriate emergency actions would need to be taken to contain the waste and to minimize the adverse effects.

23. Significance of Precedent

a. Would a decision on this proposal influence future decisions or foreclose options that may additionally affect the quality of the environment? Explain the significance.

No; all future projects will be evaluated based on their own merits. There are already numerous operations of this type throughout the region covered by a WPDES permit.

b. Describe any conflicts the proposal has with plans or policy of local, state or federal agencies that provide for the protection of the environment. Explain the significance.

There are no known conflicts with local, state or federal policies. The proposed permit will result in improved conditions at the site.

24. Discuss the effects on the quality of the environment, including socio-economic effects, that are (or are likely to be) highly controversial, and summarize the controversy.

This project is consistent with accepted practices in the predominantly agricultural location, and no controversy is expected.

25. Explain other factors that should be considered in determining the significance of the proposal.

None.

SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

26. Summarize citizen and agency involvement activities (completed and proposed).

WDNR is currently drafting the WPDES permit required for the proposed expansion. The proposed permit will be public noticed for comments as part of the permit issuance process. In addition, an informational hearing will be held on the proposed WPDES permit to receive additional comments. Plans and specifications for the addition of a manure storage facility will need approval from the department prior to construction. The Shawano County Land Conservation Department is currently designing runoff controls for the operation. A county permit will be required for the proposed manure storage. The Town(s) of Almon and Birnamwood have issued building permits for structures within their borders.

27. List agencies, groups and individuals contacted regarding the project (include DNR personnel and title).

<u>Date</u>	<u>Contact</u>	<u>Comment Summary</u>
7/23/99	Scott Matsche; VP, Matsche Farms, Inc.	application
8/30/99	Ron Ostrowski, Shawano County LCD	site inspection
8/30/99	Blake Schuedel, LCD Engineer	site inspection
9/15/99	Victoria Dirst, DNR Archaeologist	historical/archaeological site check
1/17/00	Doris Thiele, WDNR Permit Drafter	site visit
4/03/00	Elizabeth Spenser, WDNR, Nat. Res. Inventory	endangered resources site check

DECISION (This decision is not final until certified by the appropriate authority)

In accordance with s. 1.11, Stats., and Ch. NR 150, Adm. Code, the Department is authorized and required to determine whether it has complied with s. 1.11, Stats., and Ch. NR 150, Wis. Adm. Code.

Complete either A or B below:

A. EIS Process Not Required X

The attached analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action that would significantly affect the quality of the human environment. In my opinion, therefore, an environmental impact statement is not required prior to final action by the Department on this project.

B. Major Action Requiring the Full EIA Process _____

The proposal is of such magnitude and complexity with such considerable and important impacts on the quality of the human environment that it constitutes a major action significantly affecting the quality of the human environment.

Signature of Evaluator <i>D. Shuler</i>	Date Signed <i>6-9-00</i>
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Number of responses to news release or other notice:

CERTIFIED TO BE IN COMPLIANCE WITH WEPA	
Regional Director or Director of BISS (or designee) <i>Jan P. Paul</i>	Date Signed <i>6/13/2000</i>

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that 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 sections 227.52 and 227.53, Stats., 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 shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Stats., 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. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

Note: Not all Department decisions respecting environmental impact, such as those involving solid waste or hazardous waste facilities under sections 144.43 to 144.47 and 144.60 to 144.74, Stats., are subject to the contested case hearing provisions of section 227.42, Stats. This notice is provided pursuant to section 227.48(2), Stats.