

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

PUBLIC NOTICE OF AVAILABILITY OF A NUTRIENT MANAGEMENT PLAN AND INFORMATIONAL HEARING AND INTENT TO REISSUE A WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT No.WI-0065790-02-0

Permittee: Benton Dairy LLC DBA C Dairy

Facility Where Discharge Occurs:

C Dairy (Main Farm): E7803 90th Avenue, Mondovi, WI (*SW 1/4 Sec. 19 & NE 1/4 of the NW 1/4 Sec. 30 T26N R11W*)
Offsite Waste Storage: State Highway 85, Mondovi, WI (*NE 1/4 of the SW 1/4 Sec. 29 T26N R11W*)

Receiving Water And Location: Cranberry Creek within the Lowes and Rock Creek Watershed, and groundwaters of the state

Brief Facility Description : Benton Dairy LLC DBA C Dairy (C Dairy), previously owned by C Dairy LLC, is an existing Concentrated Animal Feeding Operation (CAFO) that is now owned and operated by Benton Dairy LLC and is currently managed by Martin Wayne. C Dairy currently has a total of 7,436 animal units (4,700 milking cows, 500 dry cows, 0 heifers, and 10 calves) and does not have plans to increase animal unit numbers during the upcoming five-year permit term. Based on the current herd size C Dairy has approximately 279 days of liquid manure storage capacity with the existing facilities and systems that are currently in place and authorized for use at the operation. C Dairy also plans to utilize a proposed manure digester facility to be constructed at the existing operation along with a newly constructed offsite liquid waste storage facility located on State Highway 85, approximately 1.5 miles southeast of the existing operation. The proposed digester facility (sample point 005) and the new offsite waste storage facility (sample point 004) will be covered under the proposed permit along with a number of the existing facilities that were covered under the previous permit. After the proposed permit has gone into effect both the digester facility (once constructed) and the new offsite waste storage facility will be authorized for use in accordance with permit conditions. Once the new facilities are in place and authorized for use, C Dairy will have approximately 376 days of liquid manure storage capacity with their current herd size.

C Dairy currently has 10,316 acres included in their nutrient management plan (NMP) that are available for land application of manure and process wastewater, of which 10,201 are considered spreadable acres. Of the total acreage, 1,763 are owned and 8,553 are controlled through contracts, rental agreements, leases, or are under manure agreements. C Dairy has also proposed a substantial modification to add approximately 2,136 additional landspreading acres to their current NMP, all of which are proposed to be controlled under manure agreements. During the public notice period for the proposed substantial modification, the Department received sufficient requests to hold a public informational hearing before issuing a final determination on the additional proposed landspreading acreage. The Department's final determination on the substantial modification to the current NMP will also apply to the five year NMP for the upcoming permit term. Therefore, the public informational hearing that was requested for the substantial modification to the NMP will be combined with the public informational hearing for reissuance of the proposed WPDES permit. The combined public informational hearing will be held virtually on **March 5, 2024** at **10:00 AM**, at which point both the WPDES permit and substantial modification to the NMP will be open for public comment.

The Department has tentatively decided that the above specified WPDES permit should be reissued. This WPDES permit action is an integrated analysis action under s. NR 150.20(2), Wis. Adm. Code, and does not require a separate action under NR 150, Wis. Adm. Code. The proposed WPDES permit, NMP substantial modification, and other associated permit information can be found at the following webpage:

<https://dnr.wisconsin.gov/topic/Wastewater/PublicNotices.html>.

Permit Drafter's Name, Address, Phone and Email: Clare Freix, DNR, 1300 W Clairemont Ave, Eau Claire, WI, 54701, (715) 492-4465, Clare.Freix@wisconsin.gov

Informational Hearing Date, Time, and Location:

Virtual Public Hearing (Register At Link Below)

March 5, 2024 at 10:00 AM

Registration Link: <https://us02web.zoom.us/meeting/register/tZAlceGvrTksHNb1-P8Cgdvq2Ow9Sz6l8LoJ>

The Department of Natural Resources, pursuant to Section 283.49, Wisconsin Statutes, has scheduled a public informational hearing for the purpose of giving all interested persons an opportunity to make a statement with respect to the proposed permit action, the terms of the nutrient management plan, and the application for this operation.

The hearing officer will conduct the hearing in an orderly fashion and will use procedures specified in Subchapter II of ch. NR 203, Wis. Adm. Code, necessary to insure broad public participation in the hearing.

The hearing officer will open the hearing and make a concise statement of the scope and purpose of the hearing and shall state what procedures will be used during the course of the hearing. The hearing officer shall explain the method of notification of the final decision to grant or deny the permit and the methods by which the decision may be reviewed in a public adjudicatory hearing.

The hearing officer may place limits on individual oral statements to ensure an opportunity for all persons present to make statements in a reasonable period of time and to prevent undue repetition. The hearing officer may also limit the number of representatives making oral statements on behalf of any person or group.

Informational and clarifying questions and oral statements shall be directed through the hearing officer. Cross-examination shall not be allowed.

Persons wishing to comment on or object to the proposed permit action, the terms of the nutrient management plan, or the application, are invited to do so by attending the public hearing or by submitting any comments or objections in writing to the Department of Natural Resources, at the above named permit drafter's address. All comments or suggestions received from members of the public no later than 7 days following the date of this public hearing will be used, along with other information on file and testimony presented at the hearing, in making a final determination. Anyone providing comments in response to this public notice will receive a notification of the Department's final decision regarding permit coverage. 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.

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 (715) 492-4465 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. 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.

NAME AND ADDRESS OF PUBLISHING NEWSPAPER: Dunn County News, 710 E Main Street, PO Box 40, Menomonie, WI, 54751

Date Notice Issued: Wednesday, January 24, 2024