Permit Fact Sheet

General Information

Permit Number:	WI-0066354-02-0
Permittee Name:	Pagel's Daybreak Dairy
Address:	14331 Saxonburg Road
City/State/Zip:	Mishicot, WI 54228
Discharge Location:	14331 Saxonburg Road; Mishicot, WI 54228 (T21N, R24E, Sec. 20)
Receiving Water:	Johnson Creek within the East Twin River Watershed, and groundwaters of the state
Discharge Type:	Existing

Animal Units					
	Current AU		**Proposed AU** **(Note: If all zeroes, expansions are not expected during permit term)**		
Animal Type	**Mixed**	**Individual**	**Mixed**	**Individual**	**Date of Proposed Expansion**
Milking and Dry Cows	1359	1389	0	0	
Total	1359	1389	0	0	

Facility Description

Pagel's Daybreak Dairy (formerly known as Rustic Wagon Wheel Dairy) is an existing Concentrated Animal Feeding Operation (CAFO). Pagel's Daybreak Dairy recently changed ownership and is now owned by the Pagel family. The facility currently has a herd size of 1,389 animal units. The facility plan does not plan to expand during the permit term. The herd annually generates approximately 12,001,229 gallons of manure and process wastewater and 548 tons of solid manure. Pagel's Daybreak Dairy has 244 days of liquid waste storage onsite. Pagel's Daybreak Dairy currently has 3,211.6 acres (770.3 owned and 2,441.3 controlled through contracts, rental agreements or leases, or under manure agreements) of which 3,120.7 are spreadable acres.

Substantial Compliance Determination

After a desk top review of all discharge monitoring reports, land application reports, compliance schedule items, and a site visit on 11/15/2022, this facility has been found to be in substantial compliance with their current permit.

Sample Point Designation For Animal Waste		
Sample Point Number	**Sample Point Location, Waste Type/sample Contents and Treatment Description (as applicable)**	
001	Sample point 001 is for liquid waste storage facility 1 (WSF 1). WSF 1 is a steel above-ground storage that is located just east of the milking parlor and has a capacity of 1.3 million gallons. This facility was constructed in 1996 and accepts manure and process wastewater from the freestall barns, parlor, and outdoor lot. WSF 1 was last evaluated in 2017 and met permit requirements.	
002	Sample point 002 is for liquid waste storage facility 2 (WSF 2). WSF 2 is a concrete storage located on the west side of Saxonburg Road that has a capacity of 5.1 million gallons. This facility was constructed in 2013 and accepts manure and process wastewater from the freestall barns, feed storage area, parlor, and outdoor lot. This facility was last evaluated in 2017 and met permit requirements.	
003	Sample point 003 is for and manure solids removed from bottom of liquid waste storage facilities. This includes manure-laden sand solids, manure fiber solids, etc. Representative samples shall be taken from each waste storage facility.	
004	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	Sample point 005 is for visual monitoring and inspection of the feed storage area and associated runoff control system. Proper operation and maintenance is required to ensure discharges of process wastewater to waters of the state do not occur. Weekly inspections are required and shall be recorded according to monitoring program. The feed storage area was expanded in 2021 with department approval.	
006	Sample point 006 is for visual monitoring and inspection of the concrete outdoor lot and associated runoff control system. Outdoor lot runoff is transferred to WSF 2 or manually pumped into WSF 1. Proper operation and maintenance is required to ensure that discharges to waters of the state do not occur. Weekly inspections are required and shall be recorded according to the monitoring program. The outdoor lot and runoff control system was evaluated in 2017 and met permit requirements.	
007	Sample point 007 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.	
008	Sample point 008 is for solid manure stacked in approved headland stacking locations. Representative samples shall be taken of this manure prior to land application. Note: Headland stacking sites are subject to production site discharge limitations; weekly visual monitoring is required during use of stacking sites to ensure discharges meet permit requirements.	

1 Livestock Operations - Proposed Operation and Management

Production Area Discharge Limitations

Beginning on the effective date of the permit, the permittee may not discharge pollutants from the operation's production area (e.g., manure storage areas, outdoor animal lots, composting and leachate containment systems, milking center wastewater treatment/containment systems, raw material storage areas) to navigable waters, except in the event a 25-year, 24-hour rainfall event (or greater) causes the discharge from a structure which is properly designed and maintained to

contain a 25-year, 24-hour rainfall event for this location as determined under s. NR 243.04. If an allowable discharge occurs from the production area, state water quality standards may not be exceeded.

Runoff Control

The permit requires control of contaminated runoff from all elements of the production area to prevent a discharge of pollutants to navigable waters in accordance with the Production Area Discharge Limitations and to comply with surface water quality standards and groundwater standards. Beginning on the effective date of this permit, (if needed) interim measures shall be implemented to prevent discharges of pollutants to navigable waters. In addition, permanent runoff control system(s) shall be designed, operated and maintained in accordance with the requirements found in USDA Natural Resources Conservation Service standards and ch. NR 243, Wis. Adm. Code. If any upgrading or modifications to runoff controls are necessary, formal engineering plans and specifications must be submitted to the Department for approval.

Manure and Process Wastewater Storage

The permit requires the operation to have adequate storage for manure and process wastewater and that storage or containment facilities are designed, operated and maintained to prevent overflows and discharges to waters of the state. In order to prevent overflows, the permittee must maintain levels of materials in liquid storage or containment facilities at or below certain levels including a one foot margin of safety that can never be exceeded. If any upgrading or modifications to the storage facilities are necessary, formal engineering plans and specifications must be submitted to the Department for approval.

The permittee currently has approximately 244 days of storage for liquid manure. The permittee must maintain 180 days of storage, unless temporary reductions in required storage are approved by the Department.

Solid Manure Stacking

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

Ancillary Service and Storage Areas

The permittee shall take preventative maintenance actions and conduct visual inspections to minimize pollutant discharges from areas of the operation that are not part of the production area or land application areas. These areas are called ancillary service and storage areas and include access roads, shipping and receiving areas, maintenance areas, refuse piles and CAFO outdoor vegetated areas.

Nutrient Management

With 1,389 animal units, it is estimated that approximately 12,001,229 gallons of manure and process wastewater and 548 tons of solid manure will be produced per year. The permittee owns *approximately* 770.3 acres of cropland and rents about 2,441.3. Given the rotation commonly used by the permittee, 3,211.6 acres are available (or open) to receive manure and process wastewater on an annual basis. The permit requires all landspreading of manure and process wastewater be completed in accordance with an approved nutrient management plan. The permit will require sampling and analysis of manure and process wastewater that will be landspread. Landspreading rates must be adjusted based on sample analysis. The permit requires the permittee to maintain a daily log that documents landspreading activities. The permit also requires the submittal of an annual report that summarizes all landspreading activities. Plans must be updated annually to reflect cropping plans and other operational changes. Among the requirements, the plans must include detailed landspreading information including field by field nutrient budgets.

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

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

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

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

Sample Point Number: 001- WSF 1; 002- WSF 2

Monitoring Requirements and Limitations					
Parameter	**Limit Type**	**Limit and Units**	**Sample Frequency**	**Sample Type**	**Notes**
Nitrogen, Total		lb/1000gal	2/Month	Grab	
Nitrogen, Available		lb/1000gal	2/Month	Calculated	
Phosphorus, Total		lb/1000gal	2/Month	Grab	
Phosphorus, Available		lb/1000gal	2/Month	Calculated	
Solids, Total		Percent	2/Month	Grab	

1.1.1 Changes from Previous Permit

No changes were made to Sample Point 001 or 002.

1.1.2 Explanation of Operation and Management Requirements

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

Sample Point Number: 003- Settled Solid Manure; 004- Miscellaneous Solid Manure, and 008- Headland Stacking Sites

Monitoring Requirements and Limitations					
Parameter	**Limit Type**	**Limit and Units**	**Sample Frequency**	**Sample Type**	**Notes**
Nitrogen, Total		lbs/ton	Quarterly	Grab	
Nitrogen, Available		lbs/ton	Quarterly	Calculated	
Phosphorus, Total		lbs/ton	Quarterly	Grab	
Phosphorus, Available		lbs/ton	Quarterly	Calculated	
Solids, Total		Percent	Quarterly	Grab	

1.1.3 Changes from Previous Permit

Sample Point 008 was added to the Permit. No changes were made to Sample Point 003 or 004.

1.1.4 Explanation of Operation and Management Requirements

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

Sample Point Number: 005- Feed Storage & Runoff Controls; 006- Outdoor Lot & Runoff Controls, and 007- Storm Water Runoff Controls

1.1.5 Changes from Previous Permit

No changes were made to Sample Point 005, 006, or 007.

1.1.6 Explanation of Operation and Management Requirements

Sample Points 005, 006, and 007 are required to be inspected in accordance with the operation's monitoring and inspection program. Results shall be submitted to the department annually on January 31.

2 Schedules

2.1 Emergency Response Plan

Required Action	Due Date
Develop Emergency Response Plan: Develop a written Emergency Response Plan within 30 days of permit coverage, available to the Department upon request.	05/01/2024

2.2 Monitoring & Inspection Program

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

Required Action	Due Date
Proposed Monitoring and Inspection Program: Consistent with the Monitoring and Sampling Requirements subsection, the permittee shall update and submit a proposed monitoring and inspection program within 60 days of the effective date of this permit.	06/01/2024

2.3 Annual Reports

Submit Annual Reports by January 31st of each year in accordance with the Annual Reports subsection in Standard Requirements.

Required Action	Due Date
Submit Annual Report #1: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E	01/31/2025
Submit Annual Report #2: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E	01/31/2026
Submit Annual Report #3: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E	01/31/2027
Submit Annual Report #4: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E	01/31/2028
Submit Annual Report #5: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E	01/31/2029
Ongoing Annual Reports: Continue to submit Annual Reports until permit reissuance has been completed.	

2.4 Nutrient Management Plan

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

Required Action	Due Date

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).	
Management Plan Annual 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.	03/31/2025
Management Plan Annual 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.	03/31/2026
Management Plan Annual 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.	03/31/2027
Management Plan Annual 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.	03/31/2028
Management Plan Annual 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.	03/31/2029
Ongoing Management Plan Annual Updates: Continue to submit Annual Updates to the Nutrient Management Plan until permit reissuance has been completed.	

2.5 Submit Permit Reissuance Application

Required Action	Due Date
Reissuance Application: Submit a complete permit reissuance application 180 days prior to permit expiration.	10/01/2028

2.6 Explanation of Schedules

Schedule items 2.1, 2.2, 2.3, 2.4, and 2.5 are typical and required for all CAFO permittees.

Attachments:

Map(s)

Plan Approval Letter(s)

Expiration Date: 03/31/2029

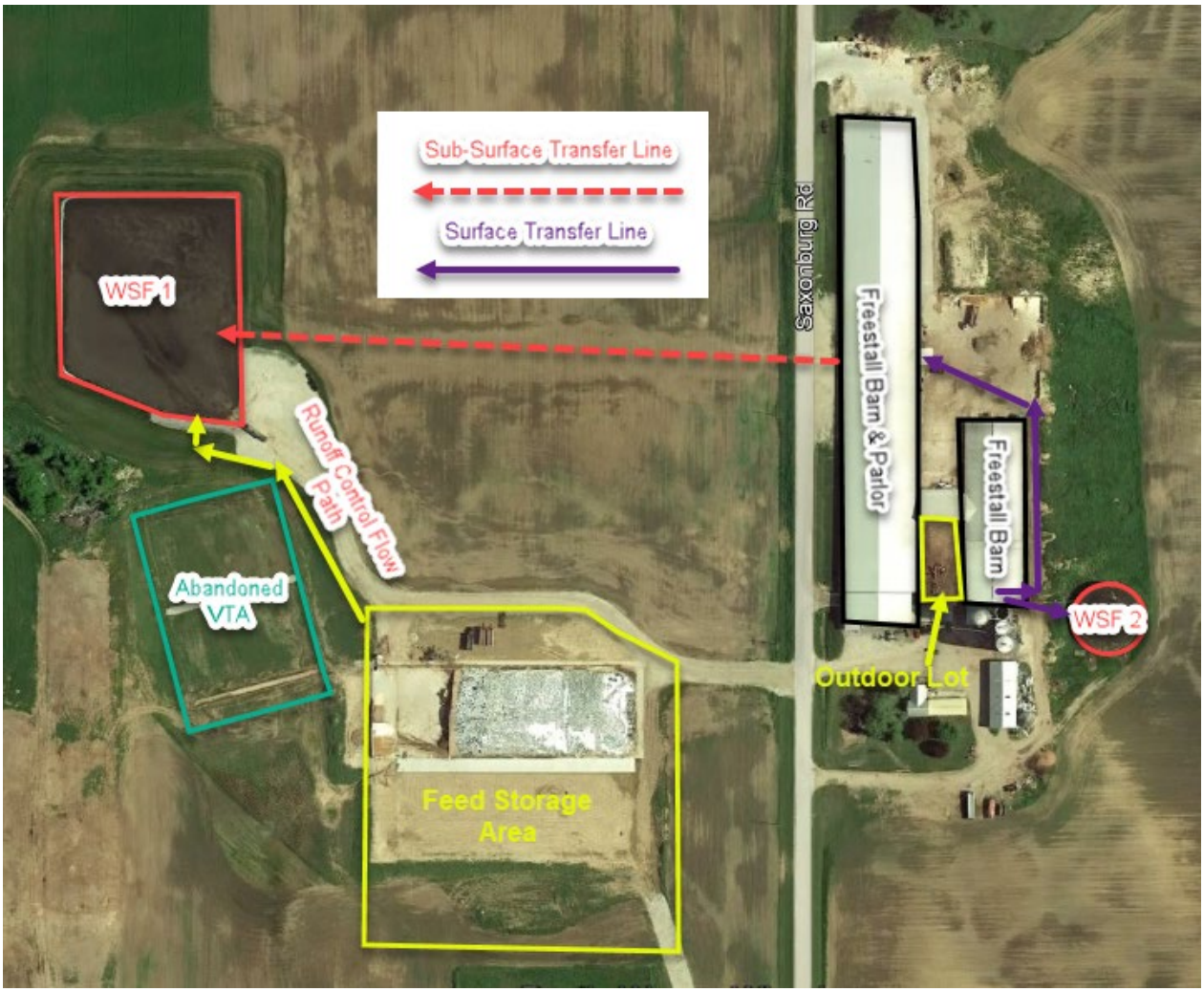
Prepared By:

Trent Brenny

Agricultural Runoff Management Specialist

Date: 1/26/2024

Pagel's Daybreak Dairy



State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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Tony Evers, Governor
Adam N Payne, Secretary
Telephone 608-266-2621
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January 30th, 2024

Manitowoc County
Approval

John Pagel
Pagel's Daybreak Dairy
N4893 County Road C
Kewaunee, WI 54216

SUBJECT: Conditional Approval of Pagel's Daybreak Dairy Nutrient Management Plan, WPDES Permit No. 0066354-01-1

Dear Mr. Pagel:

After completing a review of Pagel's Daybreak Dairy 2023-2027 Nutrient Management Plan (NMP) the Wisconsin Department of Natural Resources (Department) is providing conditional approval that it is consistent with s. NR 243.14, 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 Pagel's Daybreak Dairy review the NMP with those individuals involved with manure applications to ensure all remain familiar with the approved manure spreading protocol, spreading maps, field and map verification, record keeping requirements, and all the conditions of this approval. Specifically, some fields in Pagel's Daybreak Dairy may have:

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

Reviewing the NMP and checking fields for these features and soil conditions prior to manure applications will help Pagel's Daybreak Dairy maintain compliance with their WPDES permit and Ch. NR 243 requirements.

FINDINGS OF FACT

The Department confirms that:

1. A current dairy herd size of 1,389 animal units (971 milking & dry cows). Currently there are no planned expansions in the next permit term.
2. Manure generation and spreading records indicate your herd will annually generate approximately 12,001,229 gallons of manure and process wastewater and 548 tons of solid manure in the first year of the permit term.
3. The use of application restriction options 1, 2, & 5 within surface water quality management areas.
4. The use of phosphorus delivery method P Index.
5. That Pagel's Daybreak Dairy currently has 3,211.6 acres (770.3 owned and 2,441.3 controlled through contracts, rental agreements or leases, or under manure agreements) of which 3,120.7 are spreadable acres.

6. That some fields included in the NMP are directly adjacent to or have high potential to deliver nutrients and sediment to East Twin River, Johnson Creek, West Twin River, & Neshota River (listed 303(d) impaired water by 'total phosphorus'), Lake Michigan (listed 303(d) impaired water by 'mercury').
7. That no fields are directly adjacent to or have high potential to deliver nutrients and sediment to outstanding/exceptional waters.
8. That 56 fields are tiled.

- DB-1.2	- DB-3	- DB-8	- DB-9
- DB-11	- DB-12	- DB-13	- DB-14
- DB-15	- DB-16	- DB-17	- DB-18
- DB-19	- DB-20	- DB-22	- DB-23
- DB-24	- DB-25	- DR_9.10	- DR_11
- DR_20	- GK-1	- GK-2	- GK-4
- GP-1	- GP-2a	- GP-2b1	- GP-2bc
- GP-2d	- GP-2e	- GP-3	- GP-4
- GP-5	- GP-6	- JR_S1	- JR_S3
- JR-1	- JR-6	- M3_2	- MK_2
- MK_2A	- MK_4	- MK_26	- MK_29
- MK_30	- MK_31	- MK_32	- MK_35
- MK_36	- MK_37	- RN-1	- RN-2
- RN-3	- RN-4	- SH_AS_1.5	- SH_AS_6.7

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

CONDITIONAL NUTRIENT MANAGEMENT PLAN APPROVAL

The Department hereby approves the 2023-2027 Pagel's Daybreak Dairy Nutrient Management Plan subject to the following conditions and the applicable requirements of Ch. NR 243, Wis. Adm. Code:

FIELD AND MANURE MANAGEMENT

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

2. The following fields have also been approved to receive industrial, municipal, or septage waste:

Field Id:	Other Permittee Name:	Other Permittee Site Id:	Other Permittee Field Id:	DNR #:
DB-3	NLC ENERGY DENMARK LLC	DV20	2	112557
DB-15	NLC ENERGY DENMARK LLC	DV28	1	112536
DB-3	NLC ENERGY DENMARK LLC	DV20	3	112558
DB-8	NLC ENERGY DENMARK LLC	DV20	7	112563
DB-14	NLC ENERGY DENMARK LLC	DV28	6	112542

DB-3	NLC ENERGY DENMARK LLC	DV20	4	112559
DB-17	NLC ENERGY DENMARK LLC	DV28	3	112539
DB-1.2	NLC ENERGY DENMARK LLC	DV20	6	112562
DB-1.2	NLC ENERGY DENMARK LLC	DV20	5	112561
DB-21	NLC ENERGY DENMARK LLC	DV24	2	112544
DB-24	NLC ENERGY DENMARK LLC	DVF21	1	112649
DB-15	NLC ENERGY DENMARK LLC	DV28	2	112537
DB-3	NLC ENERGY DENMARK LLC	DV20	1	112556
DB-22	NLC ENERGY DENMARK LLC	DV24	1	112543
GK-4	NLC ENERGY DENMARK LLC	DVK35	1	26406
DB-13	NLC ENERGY DENMARK LLC	DV28	6	112542
DB-20	NLC ENERGY DENMARK LLC	DV19	2	112552
GK-1	NLC ENERGY DENMARK LLC	DVK35	2	26394
DB-18	NLC ENERGY DENMARK LLC	DV19	1	112551
DB-12	NLC ENERGY DENMARK LLC	DV28	4	112540
GK-2	NLC ENERGY DENMARK LLC	DVK35	2	26394
DB-14	NLC ENERGY DENMARK LLC	DV28	5	112541
DB-11	NLC ENERGY DENMARK LLC	DV29	1	112535

Prior to any manure applications on these fields Pagel's Daybreak Dairy shall contact the entities listed above to obtain recent spreading records and make the necessary adjustments to the planned manure application rates. At the end of each year Pagel's Daybreak Dairy shall contact each entity listed above to obtain spreading records from the previous year so that they can be properly tracked in the NMP. Please Note: Pagel's Daybreak Dairy is responsible for obtaining nutrient content values for all other wastes spread on any field in their NMP.

3. The following fields are prohibited from receiving applications of manure or process wastewater:
   - DB-26 (portion within 1,000' of municipal well)
   - SB_02 (default soil test)
   - SB_JS (default soil test)
   - SB_KH (default soil test)
   - DB-26 (expired soil test)
   - JR_S3 (expired soil test)

   If Pagel's Daybreak Dairy 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.

4. If existing fields yield a soil test results ≥ 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.

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

6. 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, Pagel's Daybreak Dairy may use the following equation to adjust the first year available nitrogen when applications are injected or incorporated within 1 hour:

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

7. Pagel's Daybreak Dairy shall record daily manure applications by using the 'Manure Application Checklist/Loadsheet'. These forms shall be retained at the farm and provided to the department upon request.

8. Pagel's Daybreak Dairy 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 'CAFO Annual Spreading Report' as generated by Snap Plus.

WINTER SPREADING

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

10. The following field(s) are approved for winter spreading solid manure, emergency applications of liquid manure and frozen liquid manure:
    - DB-3
    - DB-24
    - DB-25
    - GK-1
    - GK-2
    - GK-3
    - GK-4

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

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

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

HEADLAND STACKING

14. No headland stacking sites are approved.

NR243.143/151.075 SILURIAN BEDROCK PERFORMANCE STANDARDS

15. Manure generated by Pagel's Daybreak Dairy that is mechanically applied to the following approved fields meet planning requirements under NR243.143/151.075, Silurian bedrock performance standards. The following fields are required to meet all requirements under NR243.143/151.075, Silurian bedrock performance standards immediately following this approval.

- MK_1	- MK_2	- MK_4	- MK_6
- MK_7	- MK_8	- MK_9	- MK_10
- MK_10A	- MK_11	- MK_12	- MK_20
- MK_21	- MK_22	- MK_23	- MK_24
- MK_25	- MK_26		

MANURE & PROCESS WASTEWATER IRRIGATION

16. Irrigation of manure or process wastewater is prohibited.

SUBMITAL AND RECORDKEEPING REQUIREMENTS

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

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

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

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

Sincerely,

Ashley Scheel

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

Cc:

Trent Brenny, WDNR Agricultural Runoff Management Specialist (Trenton.Brenny@Wisconsin.gov)
Joe Baeten, WDNR Watershed Field Supervisor (Joseph.Baeten@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)
Tony Salituro, WDNR CAFO Engineer (Anthony.Salituro@Wisconsin.gov)
Lindsey Hawig, Manitowoc County (Lindseyhawig@Manitowoccountywi.gov)
Dave LaCrosse, LaCrosse Agribusiness, LLC (Davel@Pagelsponderosa.com)
File

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January 30, 2024

FILE REF: R-2023-0052
WPDES Permit #: WI-0066354

John Pagel
Pagels Daybreak Dairy
N4893 County Road C
Kewaunee, WI 54216

Subject: Days of Storage Review for Pagels Daybreak Dairy T21N, R24E, Section 20 in Mishicot Township, Manitowoc County – NO ADDITIONAL ACTION REQUIRED

Dear Mr. Pagel:

This letter is to inform you that the Wisconsin Department of Natural Resources (Department) has completed its review of the calculation of days of storage submitted under certification by Dan Wierzba, Resource Engineering Associates on February 28, 2023 with revisions received on January 4, 2024 on behalf of Pagels Daybreak 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 Pagels Daybreak Dairy has 244 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 1,389. The liquid waste volumes are based on the NRCS spreadsheet and other estimated or calculated values for a collection period of 365 days. All runoff, up to the 25yr – 24hr storm, is captured from the existing feed storage area and stored in WSF2. Pagels Daybreak Dairy has a manure agreement with United Vision Dairy, LLC (WI-0064319) for 1,500,000 gallons of available storage that is listed below.

Waste Storage	Total Vol. from Settled Top to Bottom	Solids Storage	25-yr, 24-hr Precip. on Storage	25-yr, 24-hr Collected Runoff	Freeboard Vol.	Max. Operating Level (MOL) Vol.
WSF1	1,438,235	59,926	22,422	0	59,831	1,296,056
WSF2	7,386,301	0	247,481	199,641	649,776	6,289,403
United Visions Agreement	1,500,000					1,500,000
					Total MOL Vol:	9,085,459
					Days of Storage:	**244**

Liquids Collected/Stored	**Annual Gallons**
Manure and Bedding	7,980,757
Parlor Wastewater	2,590,814
Feed Storage Leachate	302,536
Feed Storage Runoff Collected	1,515,403
Net Precipitation on Storage Surfaces	1,220,277
TOTAL:	**13,609,787**

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

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to WIS. STAT. §§ 227.52 and 227.53, you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to WIS. STAT. § 227.42, you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with WIS. ADMIN. CODE § NR 2.05(5), and served on the Secretary in accordance with WIS. ADMIN. CODE § NR 2.03. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

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