

ENVIRONMENTAL ANALYSIS AND DECISION ON THE NEED
FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS)
Form 1600-8

Department of Natural Resources (DNR)

District or Bureau Watershed Management
Type List Designation Type II

NOTE TO REVIEWERS: This document is a DNR environmental analysis that evaluates probable environmental effects and decides on the need for an EIS. The attached analysis includes a description of the proposal and the affected environment. The DNR has reviewed the attachments and, upon certification, accepts responsibility for their scope and content to fulfill requirements in s. NR 150.22, Wis. Adm. Code. Your 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 1, 2000.

Contact Person: Doris Thiele
Title: Wastewater Engineer
Address: WT/2, WDNR, PO Box 7921
Madison, WI 53707
Telephone Number: (608) 266-3906

Applicant: Larry Dufek

Address: 5424 Gauthier Road, New Franklin, WI 54229

Title of Proposal: Dairyland Farms

Location

County: Brown City/Town/Village: Green Bay Township

Township: T24N Range: 23E Section(s): 23 (NW ¼)

PROJECT SUMMARY - DNR Review Information Based on:

1. General Project Description

This environmental assessment is associated with the issuance of a Wisconsin Pollutant Discharge Elimination System (WPDES) permit for a proposed expansion of a dairy operation named Dairyland Farms and associated review/evaluation activities associated with manure storage and runoff control structures.

The planned expansion at Dairyland Farms includes a milking parlor, one freestall barn and a manure storage facility to be completed by August 2000. By November 2000, the building would be housing approximately 750 milking cows, or 1,050 animal units. Since the site will house greater than 1,000 animal units, Dairyland Farms has applied for a Wisconsin Pollutant Discharge Elimination System (WPDES) permit. Per NR 243, Wis. Adm. Code, a WPDES permit is needed for all livestock operations that house more than 1,000 animal units.

Dairyland Farms EA

Construction and expansion plans are to have 1,400 milking cows by August 2003. An earthen manure storage facility has been constructed at the site. A freestall barn to house the milking cows and a milking parlor are planned for construction during the summer of 2000, with completion by August 2000. By November 2000, the operation plans to house 750 milking cows. All other livestock will be housed at other sites. By November 2001, it is planned to have the first freestall barn at capacity with 750 milking. In August 2002, the second freestall is planned to be complete. It is planned to be at capacity with 750 milking cows by August 2003. The maximum number of milking cows is projected at 1,400 head. The total number of head will be dependent on animal comfort considerations and available housing. Each of the planned two freestall barns will be equipped with automatic scrapers to move the manure from the freestall barn to a reception pit, and then to the earthen manure storage facility.

An earthen manure storage facility was built at the site in the summer of 1999. This storage has the capacity of 14,200,000 gallons and was designed to temporarily hold manure for one year. Dairyland Farms will not begin to use the storage until the freestall barn has been constructed and cows have been moved to the site. It is planned to begin using the storage in August 2000. Milking center washwaters will be directed to the storage. There are no open or outside lots proposed for the cattle at the site.

With 1,400 head, it is estimated that approximately 9,000,000 gallons of manure will be produced per year. Dairyland Farms crops approximately 610 acres of land that it owns, and rents additional acres estimated at 2,000 acres. Given the rotation commonly used by Dairyland Farms, 900 acres of corn are grown on an annual basis. This cropland is available to receive all manure and milking center washwaters produced by Dairyland Farms. These fields are located in various sections of T24N R22E and T24N R23E. Annual application of the manure is proposed. Dairyland Farms plans to landspread the manure in the fall after the corn has been harvested.

The total project cost is estimated at \$2,932,500.

The Department of Natural Resources has the following authorities regarding this operation:

- A permit for air emissions is not required for this operation. However, odor control requirements may be imposed by order of the Department if the Department determines that a violation of s. NR 429.03 - Malodorous Emissions, Wis. Adm. Code, occurs
- Wisconsin Pollutant Discharge Elimination System (WPDES) Permit for Concentrated Animal Feeding Operations (CAFO), those operations with 1,000 animal units or more
- Wisconsin Pollutant Discharge Elimination System (WPDES) Permit for Land Disturbing Construction Activities affecting five or more acres (WI-0067831)
- Review and approval authority of manure storage and runoff control facilities

2. List documents, plans, studies or memos referred to and provide a brief overview

The following documents have been used in conducting this environmental assessment:

- Wisconsin Pollutant Discharge Elimination System (WPDES) Permit application
- Environmental Analysis Questionnaire for Livestock Operations completed by Mike Rasmussen, Land O' Lakes, Inc.
- Preliminary Manure Management Plan prepared by Jack Donaldson, Cooperative Services, Denmark
- Post-construction documentation for the earthen manure storage facility submitted by the Brown County Land Conservation Department
- Soil survey maps, topographic maps, wetland maps and aerial photographs
- Internal Department correspondence regarding possible environmental impacts associated with the operation

DNR EVALUATION OF PROJECT SIGNIFICANCE (complete each item)

1. **Environmental Effects and Their Significance**

Discuss the 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, and the significance of these effects. (The reversibility of an action affects the extent or degree of impact.)

Physical

Since portions of the operation are already in existence, long-term physical impacts are not expected to be associated with the act of issuing a WPDES permit to the operation, or the gradual increase in cattle numbers. Short-term physical impacts would primarily be connected to possible construction resulting from permit requirements. As part of processing the WPDES permit application, the Department will be reviewing construction documentation (or as-builts) for the existing manure storage facility to determine if existing standards were met. Based on the Department findings, the operation may be required to upgrade or abandon the existing facilities or take additional action to protect water quality. Any necessary upgrades or modifications will be required per a compliance schedule found in the proposed permit.

For expanded portions of the operation, the site has most recently been used for cropland or other agricultural related purposes (e.g., contained agricultural related structures such as a barn or farmhouse). In many respects, expansion of the operation will result in the conversion of the land from one type of agriculture use to another. Approximately 52,000 cubic yards of land will be disturbed over a period of 30 months as a direct result of the construction of the structures associated with the expansion of the operation. Short-term physical impacts would be primarily associated with construction activities at the site. Disturbance of former cropland or agricultural related lands, noise and dust from machinery and traffic from construction equipment are the expected short-term environmental impacts. Storm water runoff from the site during the construction phase could also result in environmental impacts such as silt and sediment being transported to area wetlands and surface waters. If properly controlled, impacts associated with construction activities will be relatively short in duration and would not be expected to be significant. Stormwater runoff controls must be in place to control any leachate from feed storage areas. If the Department discovers a water quality problem related to stormwater runoff, the operation will be required to implement a management plan and install any necessary best management practices.

Since the project will result in the disturbance of five or more acres, the operation must obtain a storm water construction permit (WI-0067831-1), which requires the operation to implement Best Management Practices (BMP's) to address impacts from storm water runoff.

Long-term physical impacts include visual impacts. The expansion of the operation will result in visual changes at the site as a result of new structures (e.g., manure storage facilities) or buildings. There will also be increased traffic in the area associated with the transportation of livestock, feed, and milk.

Given that much of land in the area is used for agriculture and is relatively sparsely populated, increased traffic and visual impacts are not considered to be significant. In addition, while the physical appearance of the site will be substantially changed, the use of the site will remain agricultural in nature.

Dairyland Farms EA

The primary long-term physical impacts associated with the operation are that odors in the immediate area could be objectionable during certain periods of the year. There are two homes located close to the site and a business involved in commercial landscaping. Odors from the operation, especially during agitation of the manure contained in the storage facility in preparation for landspreading activities are unavoidable impacts.

The operation has proposed ways to minimize this impact by:

- laying out manure storage facilities to take advantage of predominant breezes to keep odor away from housing areas
- using mattresses and sawdust for bedding
- maintaining a crust on the storage structure

Water usage at the operation is estimated at 29,000 gallons of water per day and increase to 55,000 when at full animal capacity. Groundwater levels in the area could be affected by water usage at the operation; however, the WPDES permit does not regulate this.

There is a private sewage system designed at the site for all the human waste, office and employee water usage.

Biological

Per an April 3, 2000, contact with Elizabeth Spencer, two species were collected from School Creek in 1906. *Clinostomus elongatus* (reidside dace) and *Fundulus diaphanus* (banded killifish) are two fish of Special Concern in Wisconsin, and were found in the area of Dairyland Farms. Most recent inventory information regarding the current presence of these species in this area is not available.

The immediate farm area, former cropland, would be expected to provide habitat for common animal species acclimated to farm operations. Provided manure landspreading is limited to existing (already disturbed) croplands and application practices avoid increased nutrient loading to surface waters (see later discussion in this section), no serious threat to sensitive resources in the vicinity would be expected. Therefore, long-term significant impacts on terrestrial animals and vegetation are not expected.

Approximately 800 feet of intermittent streambed will be rerouted. Water usage associated with cattle drinking and cleaning operations is expected to be at a maximum of 55,000 gallons per day. A high capacity well is required for this site. The estimated depth of the proposed water supply well is 250 feet. Groundwater is estimated to be at this level, except for some localized perched water conditions in the area.

The distance to the closest navigable water is less than 500 feet from the proposed operation. Short-term impacts on area surface waters or wetland resources are not expected during construction of the operation if BMP's are implemented and maintained for storm water runoff control.

The most significant possible long-term biological impact is associated with the production of manure at the site. It is anticipated that approximately nine million gallons of liquid waste consisting primarily of manure will need to be stored and land applied every year. Nutrients associated with manure can have detrimental impacts on groundwater (nitrogen) and surface waters (nitrogen and phosphorus) if not properly land applied. Biochemical oxygen demand associated with manure can reduce dissolved oxygen levels in surface waters. In addition, ammonia in the manure can be toxic to fish and aquatic life.

Since the cattle will be held in buildings where they are totally confined and manure from these buildings will be transferred to a storage facility, long-term nutrient impacts on wetlands and surface waters from the cattle housing area are not expected. The manure storage facility itself was designed to meet appropriate NRCS design standards to ensure that groundwater impacts do not occur. The permit requires the submittal of post construction documentation for the existing earthen manure storage structure. The Department is confident that

Dairyland Farms EA

the storage will meet the specifications found NRCS Standard 313 since the storage was designed by Brown County Land Conservation Department staff and reviewed by Department of Agriculture, Trade and Consumer Protection engineering staff. The proposed permit requires that post construction documentation is submitted to the Department by September 30, 2000. If the permittee submits the documentation during the public notice period of the permit, this requirement will be dropped from the proposed permit.

The permit requires that complete plans and specifications for the proposed manure transfer systems be submitted and approved by the Department prior to construction. These plans are due 120 days prior to construction for the first freestall barn. In addition, when Dairyland Farms constructs the second freestall barn, a similar permit condition requires the submittal of complete plans and specifications for the second manure transfer system. Again, these plans are due 120 days prior to construction. If the permittee submits the documentation during the public notice period of the permit, this requirement will be dropped from the proposed permit.

The land application of manure on area cropland poses the greatest risk of environmental impact if it is not done properly. Impacts from nutrient loadings, biochemical oxygen demand and ammonia are water quality concerns with surface waters. Since this proposed operation will require coverage under a WPDES permit due to its size, landspreading of its manure is regulated in accordance with a Department approved Manure Management Plan. The Manure Management Plan can be an effective tool to proactively address possible problems that would otherwise be associated with manure landspreading activities. This is a direct benefit to the environment since livestock operations with less than 1,000 animal units are not required to obtain a WPDES permit and may not be adequately planning their landspreading activities. This lack of planning may result in adverse impacts to water quality.

The permit includes injection and/or incorporation requirements based on proximity to surface waters which are intended to ensure that manure does not runoff to surface waters and cause short-term impacts associated with biochemical oxygen demand and ammonia. See the attached draft WPDES permit for these specific restrictions.

Manure application rates will be based on the nitrogen needs of the crop. Since crops utilize more nitrogen than phosphorus, if manure is applied to the nitrogen needs of the crop on a regular basis, phosphorus soil levels will become elevated over time. While the best management practices required by the WPDES permit will minimize excessive phosphorus delivery to nearby surface waters, soluble phosphorus and phosphorus attached to soil particulates is likely to reach nearby surface waters from fields hydraulically connected to these surface waters. The Department advocates managing manure to meet phosphorus crop needs and other practices designed to minimize sediment and phosphorus delivery to surface waters. However, Department requirements to address phosphorus delivery to surface waters are typically limited to areas where impacts to impaired (degraded resource waters) and outstanding and exceptional resource (high quality water resources) waters are a concern. Since the operation's landspreading activities will be occurring in the Kewaunee River watershed and are not expected to impact impaired, outstanding or exceptional resource waters, the Department will not require the operation to submit a phosphorus based Manure Management Plan.

Landspreading manure in accordance with an approved Manure Management Plan is advantageous to both the farmer and the environment. The nitrogen and phosphorus from the manure provide nutrients for crop growth and lowers the need for commercial fertilizer. In many instances, the net nutrient application will not change, only the type of fertilizer. When manure is spread in suitable amounts and promptly tilled into the soil, the potential of manure runoff causing off-site problems is minimized. The WPDES permit will regulate the application rates, applied acreage, spreading techniques and other specifications through the Manure Management Plan. The operation will also be required to conduct manure and soil sampling to determine appropriate application rates, depending on soil and crop types.

Dairyland Farms EA

If the operation conducts landspreading in accordance with an approved Manure Management Plan, maintains an adequate land base for landspreading, and properly inspects and maintains manure storage and runoff control facilities, the threat to groundwater and surface water should be minimal under normal operating and climatic conditions.

Cultural

Per a September 15, 1999 contact with Dr. Victoria Dirst, Department Archeologist, there are no known archeological or historical resources that will be impacted by the operation.

The site will not be significantly changed in terms of type of land use as a result of the proposed expansion. The site is zoned for agriculture, which is the predominant land use in the area, and will not need to be changed as a result of this project. However, there may be adverse indirect impacts associated with the proposed expansion, primarily related to non-agricultural uses of lands in the area. There may be decreases in land values associated with residential uses within areas zoned as agricultural due to concerns, real or perceived, associated with the operation (increased traffic, odors, etc.). It is difficult to assess the extent or existence of such impacts and these impacts are beyond the regulatory authority of the Department.

The proposed expansion will also have beneficial indirect effects. The area's economy will benefit from jobs associated with the operation and an increase in the area's tax base. It is anticipated that the operation will employ about 21 local residents. It is also estimated that \$2,000,000 will enter the local economy as a result of added employment opportunities and business such as the operation's purchase of feed from local farmers.

2. Significance of Cumulative Effects

Discuss the significance of reasonably anticipated cumulative effects on the environment (and energy usage, if applicable). Consider cumulative effects from repeated projects of the same type. 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.

There is a trend in the livestock industry towards larger-scale operations of this kind. Large-scale operations have rapidly become an economic necessity due to changing pricing structures and the need to reduce capital inputs while maximizing production. Economies of scale associated with CAFOs have allowed producers to increase production without increasing costs. If numerous projects of this type are proposed in this area there is a concern that the land base available for landspreading manure could be overwhelmed and would make a number of such projects nonviable, primarily with respect to costs associated with hauling manure long distances for landspreading. The Department is not aware of additional projects of this type in the vicinity that the land base would be compromised. According to the operation, neighboring landowners have continued to provide spreading sites and want the land to remain in agricultural crops.

Any future projects will be examined at the appropriate time. With each new operation or expansion proposed, cumulative effects such as impacts from manure landspreading activities are considered. Unless these operations are poorly sited or concentrated in a small area, the cumulative impacts to the environment should not be significant.

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 analysis would eliminate or reduce these unknowns?

Dairyland Farms EA

The operation's existing manure storage and runoff control facilities will be evaluated either prior to permit issuance or as part of a compliance schedule contained in the permit to determine if they have been built in accordance with currently accepted standards. If the facilities fail to meet current standards they will be required to upgrade the facilities to meet current standards in accordance with a compliance schedule in their WPDES permit.

Proposed manure storage and runoff control facilities at the operation will be required to meet currently accepted standards to minimize the risks of ground and surface water contamination. Once a WPDES permit is issued, plans and specifications for proposed facilities must be reviewed and approved by Department staff prior to construction.

The operation must comply with its WPDES permit and associated Manure Management Plan. Consequently, the landspreading of manure should not yield any substantial increase in risk to the environment. The Manure Management Plan will include acres that may not have previously been managed in accordance with a nutrient management plan, which could mean environmental benefits compared to existing manure application practices.

The nutrient content of the manure temporarily stored in the storage facility may vary. Unidentified variations in nutrient content may result in over-application of nutrients (nitrogen in particular) that could impact groundwater. The WPDES permit issued to this operation will require manure and soil testing to ensure does not occur.

These factors are sufficient to indicate that the risk of environmental harm is not significant.

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.

Possible operating problems that could impact the environment include failure of manure handling and storage facilities or poor manure land application practices that lead to nutrient runoff to surface waters or leaching of nutrients to groundwater.

Department review of any proposed manure storage facilities or evaluation of existing manure storage facilities to ensure that they are appropriately designed (for example, berm slopes and construction materials) makes the probability of failure of storage facilities highly unlikely. In addition, the operation will be need to address small-scale manure spills as part of their operation and maintenance plan for the operation (as part of the review process of manure storage facilities or as part of the WPDES permit). This plan typically addresses spills associated with general operation and maintenance of the operation. These small "spills" may not represent an immediate environmental impact but may need to be addressed by the operation (e.g., scraping areas where small amounts of "spilled" manure have collected, changing operating procedures to avoid small "spills") to ensure that impacts to waters of the state, primarily through runoff resulting from storm events, do not occur. Massive failure of the manure storage facility would likely be formally defined as a spill under ch. NR 706, Wis. Adm. Code. Ch. NR 706 describes requirements for immediate notification of the Department in the case of a spill. A requirement to follow ch. NR 706 is included in the WPDES permit. Inappropriate or inadequate responses (i.e., time frame of response and action taken to eliminate or mitigate environmental impact) to spills and associated environmental impact are subject to Department enforcement. However, Department and permittee action is contingent on a case-by-case evaluation of actual environmental impact and correction actions taken by the operation.

Department inspections based on complaints or general compliance efforts will help to serve to evaluate whether the operation is properly addressing minor "spills." In addition, the operation will be required to conduct

Dairyland Farms EA

inspections of storage facilities to ensure that more significant problems are addressed prior to any sort of massive structure failure.

Manure will be landspread in accordance with a Department approved Manure Management Plan, which does not allow poor land application practices thus operating practices should have minimal impacts on the environment.

4. Significance of Precedent

Would a decision on this proposal influence future decisions or foreclose options that may additionally affect the quality of the environment? Describe any conflicts the proposal has with plans or policy of local, state or federal agencies. Explain the significance of each.

No. All future projects will be evaluated by their own specific adverse and beneficial impacts. There are other similarly sized dairy operations in Wisconsin. Each individual project is considered separately based on its own merits.

The Department primarily considered issues that fall under our regulatory authority as part of this assessment. The project is not known to conflict with plans or policy of local, state, or federal agencies. The operation will need to apply for and receive the appropriate approvals from all involved agencies prior to operating. Permitting this operation would not foreclose future options for taking necessary actions to protect the environment (i.e., revocation, modification of the permit). In actuality, through enforcement of the WPDES permit, the Department has a means to avoid or address possible negative impacts to water quality associated with the operation.

5. Significance of Controversy Over Environmental Effects

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.

There is the possibility that public controversy may be generated as a result of the permitting of this operation. State and area citizens may express concerns about the environment such as possible air and water quantity/quality issues. The Department has some authority to address odor complaints should they arise. The Department is starting a process to study and address odor and air toxics issues on a statewide basis. This study is expected to develop standards and voluntary best management practices to reduce or minimize potential problems from CAFOs. Water quantity issues are addressed to a certain extent if the operation is required to obtain a high capacity well permit. However, neither of these issues is addressed by the issuance of the WPDES permit, which is strictly intended to address the water quality concerns.

There may also be socio-economic concerns such as animal treatment issues, the trend towards large-scale farming in the state, impacts larger-scale farming may have on the viability of smaller operations and concerns of smaller operations and non-farming rural inhabitants regarding changes in the agricultural landscape associated with CAFOs. The socio-economic issues are difficult to quantify and there is significant disagreement as to the validity of these concerns. These socio-economic issues are beyond the scope of the WPDES permit and the Department's overall regulatory authority.

ALTERNATIVES

Briefly describe the impacts of no action and of alternatives that would decrease or eliminate adverse environmental effects. (Refer to any appropriate alternatives from the applicant or anyone else.)

EVALUATION OF EXISTING STRUCTURES

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

- Determine that the facilities meet current standards, will prevent a discharge of pollutants to navigable waters, and will comply with surface water quality standards and groundwater standards, and require no further action on behalf of the operation
- Determine that the facility does not meet current standards and allow the operation the option of abandoning the structure, upgrading the facility or replacing the structure

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 STRUCTURES

The Department's alternatives for review of any proposed runoff control and/or 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 proposed facilities based on water quality concerns and require resubmittal of plans and specifications
- Approve the plans and specifications for the design of the proposed facilities without conditions
- Approve the plans and specifications for the design of the proposed structures, but with conditions requiring additional components to the structure'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.

SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

List agencies, citizen groups and individuals contacted regarding the project (include DNR personnel and title) and summarize public contacts, completed or proposed.

- Larry Dufek - Owner
- Mike Rasmussen - Land O'Lakes, Inc.
- Brown County Land Conservation Department Staff
- Steve Holger, DNR Northeast Region Fishery Biologist

The proposed WPDES permit for the operation 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.

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. Shields</i>	Date Signed <i>6-9-00</i>
---	------------------------------

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>James D. Perel</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.