

**DNR Program Guidance for CAFO NUTRIENT MANAGEMENT PLANS –
PUBLIC NOTICE OF MODIFICATIONS TO AN NMP, Guidance #: 3800-2014-01**

Summary Response to Public Comments

Thank you to the individuals that provided comments and feedback on the Department of Natural Resources (Department) proposed program guidance entitled “CAFO NUTRIENT MANAGEMENT PLANS – PUBLIC NOTICE OF MODIFICATIONS TO AN NMP”.

The proposed guidance was posted on March 26, 2013 until April 18, 2013 (21 days). All comments received by the Department are attached.

After review of submitted comments, the Department made some revisions to the proposed guidance. Revisions were made to not only provide clarifications and examples to the guidance, but also for consistency with federal EPA requirements.

If you have any questions regarding this final guidance document, including implementation schedule, please contact Andrew Craig at (608) 267-7695 or andrew.craig@wisconsin.gov.

RECEIVED

April 4, 2013

Andrew Craig
Statewide Nutrient Management Specialist
Wisconsin Department of Natural Resources
Bureau of Watershed Management - Runoff Management Section
101 S. Webster Street
PO Box 7921
Madison, WI 53707-7921

APR 18 2013

WT/3 - WY/3 - OGL/3

Re: Changes to Nutrient Management Plans and Public Notice

Andrew;

On page 2 of the draft 'CAFO Nutrient Management Plans – Public Notice of Modifications to an NMP' document, under Substantial Modifications;

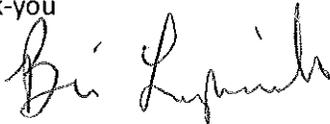
The first bullet point, if I read this correctly, if I am using the 'P Index' phosphorous method on my field and I am adding a new field (not in or also in a SWQMA) the new land would not need to be 'Public notice'?

One of my concerns with the second bullet point is that a field may have met your criteria for manure applications before the field was tilled and then after it is tilled you may not allow manure to be applied. What plans, if any, are in place to handle or minimize this occurrence? Would management options be available? Second concern is if the field is already in the 'nutrient management plan' at the time the permit is written and the DNR has no objections with the new tile line why would it be necessary to have a 'Public notice'? All you are doing is having a 'Public notice' that the field was tilled.

On page three, the second bullet point regarding winter spreading. In the current land market land owners have been known to sell land that the 'Permitted Farm' has in their plan with little or no notice. If a portion of that land was planned for winter applications, the turnaround period for the public notice may not be short enough.

My biggest concern with all of these rule changes is changing the rules in the middle of the permit. Implementation of the new rules should be started at the beginning of the next permit.

Thank-you



Brian Lepianka
B & D Dairy
N4304 N. 5th Road
Pound, WI 54161



Craig, Andrew D - DNR

From: Stacy Martin <stacy@vandergeestdairy.com>
Sent: Monday, April 01, 2013 12:31 PM
To: Craig, Andrew D - DNR
Subject: Public notice question

Hi Andrew,

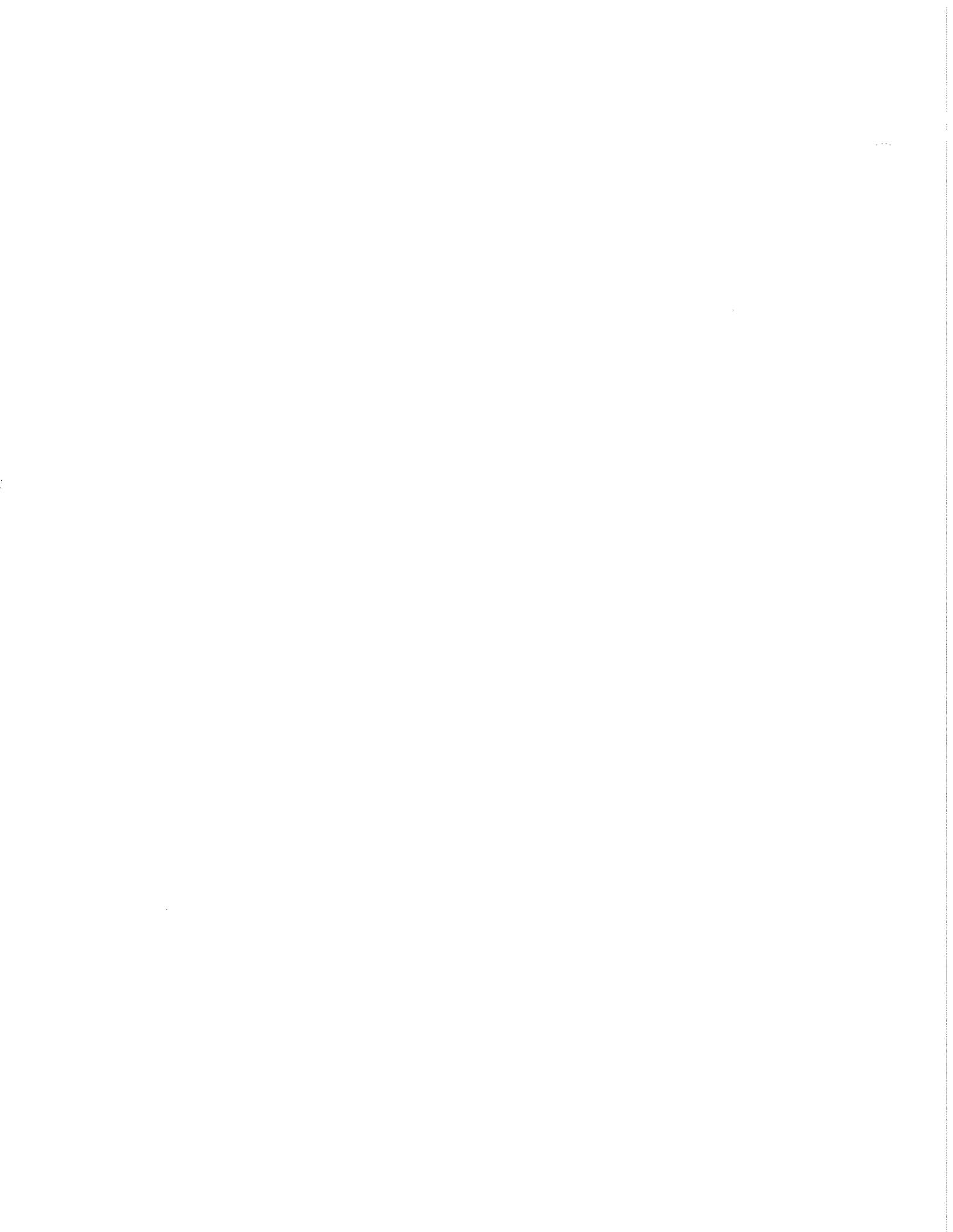
I have a question on #3 of federal register volume 73 no. 225 2008 rules and regs regarding public notice: "addition of any crop not included in the terms of the CAFO's NMP and corresponding field-specific rates of application." Does this mean that if we start growing a crop that we have never grown before/never been part of the NMP before—example: sorghum—then we need to public notice this before we can grow it?

Also, to be clear, this public notice is not in place yet, correct? The draft guidance for public notice of substantial changes to CAFO NMP is only proposed at this point, and it may become a regulation this summer/fall?

Thanks!

Stacy

Stacy Martin
Certified Crop Adviser
Van Der Geest Dairy Cattle, Inc.
5555 County Road A
Merrill, WI 54452
office: 715.675.6043
fax: 715.675.7945



Craig, Andrew D - DNR

From: Donald Schmidt JR <dons@agventuresllc.com>
Sent: Friday, April 05, 2013 12:51 PM
To: Craig, Andrew D - DNR
Subject: Public Notice changes

Good afternoon Andrew,
Below you will find comments related to the proposed changes regarding NMP changes.

On page 2 of the draft 'CAFO Nutrient Management Plans – Public Notice of Modifications to an NMP' document, under Substantial Modifications;

The first bullet point, if I read this correctly, if I am using the 'P Index' phosphorous method on my field and I am adding a new field (not in or also in a SWQMA) the new land would not need to be 'Public notice'? Am I correct in that statement.

One of my concerns with the public notice of the tile line, is what will happen if a field (already in the approved plan for manure application) is tiled and then after it is tiled the DNR decides that manure should not be applied. What plans, if any, are in place to handle or minimize this occurrence? Would management options be available? Second concern is if the field is already in the 'nutrient management plan' at the time the permit is written and the DNR has no objections with the new tile line why would it be necessary to have a 'Public notice'? All you are doing is having a 'Public notice' that the field was tiled.

On page three, the second bullet point regarding winter spreading. In the current land market land owners have been known to sell land that the 'Permitted Farm' has in their plan with little or no notice. If a portion of that land was planned for winter applications, the turnaround period for the public notice may not be short enough.

My biggest concern with rule changes like this is changing the rules in the middle of the game (permit). Implementation of the new rules should be started at the beginning of the next permit.

Thanks

Donald Schmidt
Enviro-Pros / AgVentures, LLC
123 MacArthur Drive
Coleman, WI 54112
920-897-4010 (office)
920-591-1811 (cell)



Buying and Selling Quality Dairy Cattle for 4 Generations

April 10, 2013

Andrew Craig
Statewide Nutrient Management Specialist
Wisconsin Department of Natural Resources
Bureau of Watershed Management - Runoff Management Section
101 S. Webster Street, PO Box 7921
Madison, WI 53707-7921

RE: DRAFT Guidance for Public Notice of Substantial Changes to CAFO NMPs

Dear Andrew,

We have reviewed the information you provided within the DRAFT Guidance for Public Notice of Substantial Changes to CAFO NMPs. We are submitting our response to number one (1) of the changes: "addition of new land application areas not previously included in the CAFO's NMP."

Every spring, Van Der Geest Dairy adds new cropland to its NMP. On average, the dairy may add 100-150 acres each spring. More land is needed as the operation continues to expand. Some previously-cropped land may also be dropped from the NMP. The new land that is added to the NMP is usually added last-minute. The amount of time between signing a contract with the landowner and planting can sometimes be only a few days. The proposed Public Notice could hold up farming activities, since there would be a 21 day minimum for DNR approval. Crops need to be planted in a timely manner.

Another reason we do not agree with the first change of the DRAFT Guidance is because we do not believe the public should have a say in how private land is operated. The farming activities are between the landowner, the farmer, and the governmental agencies involved with the NMP. As long as the farming activities are in compliance with the previously-approved NMP, the farming activities should not concern the public. If the farming activities were taking place on *public* land, this would be a different issue. Private land is not of public concern.

We thank you for taking the time to view and consider our comments on the proposed Public Notice Changes.

Sincerely,

Lee Van Der Geest, Vice President

Stacy Martin, CCA

Van Der Geest Dairy Cattle, Inc.
5555 County Road A
Merrill, WI 54452
715.675.6043
Fax 715.675.7945

Craig, Andrew D - DNR

From: Edie Ehlert <edieehlert@centurytel.net>
Sent: Thursday, April 18, 2013 4:37 PM
To: Craig, Andrew D - DNR
Subject: Notice requirements

"CAFO NUTRIENT MANAGEMENT PLANS – PUBLIC NOTICE OF MODIFICATIONS TO A NMP",

Having such a short notice time for comments of 14 days does not allow adequate time to gain expert opinion. However, we are pleased to see that the EPA has stepped in to require noticing of substantial changes in CAFOs operations, especially as there is so little direct monitoring by the DNR.

We would like to see all expansions of land used in a CAFO be part of the requirement for a public noticing. And we would like to see the items that you suggest be considered substantial be all places not just SWQMA as all land is in a watershed. Our entire area in karst geology is vulnerable and that is substantiated by science. So we want to see as much of our area deserving of the most careful and public of review and DNR review as possible in relation to CAFOs. Please consider substantial review requirements as broadly as possible.

Thank you

Edie Ehlert
Crawford Stewardship Project Co-coordinator

Edie Ehlert
Crawford Stewardship Project Co-Coordinator
15981 Moldrem Rd
Ferryville, WI 54628
608-734-3223

edieehlert@centurytel.net
www.crawfordstewardshipproject.org

Craig, Andrew D - DNR

From: Craig, Andrew D - DNR
Sent: Friday, April 19, 2013 12:37 PM
To: 'Christa Westerberg'
Cc: swilliams@midwestadvocates.org
Subject: RE: Comments requested for DRAFT DNR Guidance on Public Notice Substantial Changes to CAFO NM plans - 03-26-2013

Christa,

Thank you for your comments. We received them within the April 18, 2013 comment period.

Andrew Craig
Statewide Nutrient Management Specialist
Wisconsin Department of Natural Resources
Bureau of Watershed Management - Runoff Management Section
Phone: (608) 267-7695
E-mail: Andrew.Craig@wisconsin.gov

Mail: 101 S. Webster Street, PO Box 7921 - Madison, WI 53707-7921

From: Christa Westerberg [<mailto:westerberg@mwbattoorneys.com>]
Sent: Thursday, April 18, 2013 1:35 PM
To: Craig, Andrew D - DNR
Cc: Sarah Williams
Subject: RE: Comments requested for DRAFT DNR Guidance on Public Notice Substantial Changes to CAFO NM plans - 03-26-2013

Hello Andrew:

In response to the below, I have seen the comments Sarah Williams has prepared on this matter and, for the record, wanted to second what she has said.

Overall, while I appreciate that the Department is trying to put some parameters on when the public notice process is required for NMP changes, and is taking steps to comply with the EPA's CAFO rule, I am afraid the draft guidance does not achieve these goals. I am also afraid it won't reduce the public confusion and frustration that has in some cases resulted from unnoticed NMP changes, because the circumstances for which the public process is required under the guidance are either too narrow or too vague.

Thanks for the opportunity to comment.

Sincerely,

Christa Westerberg
McGillivray Westerberg & Bender LLC

211 S. Paterson Street, Suite 320
Madison, WI 53703
608.310.3564 direct
608.310.3561 fax

From: Craig, Andrew D - DNR [<mailto:Andrew.Craig@wisconsin.gov>]
Sent: Tuesday, March 26, 2013 12:21 PM
To: Christa Westerberg; swilliams@midwestadvocates.org; jsellen@widba.com; Marney Hoefler (MHoefler@staffordlaw.com); Wildeman, Anna J (20109); rtooley@lakefield.net; djpulera@aol.com; Edie Ehlert (edieehlert@centurytel.net); iwenwilliam22@gmail.com; elaineseverin@yahoo.com; Bob Clarke (jclarke@furstgroup.com); kenneth.wade tds.net (kenneth.wade@tds.net); lnutesch@yahoo.com; Melissa Malott (mmalott@cleanwisconsin.org); Denny Caneff (dcaneff@wisconsinrivers.org); ag-nutrient-list@lists.uwex.edu; 'Jeff Polenske (E-mail)' (jpolenske@aol.com); tcschaumberg@gmail.com; Randy Busch (randy_busch@rockriverlab.com); 'Steve Hoffman' (shoffman@lakefield.net); David Buss (dbuss.nusolutionsag@gmail.com); Paul Sturgis (pscrotech@gmail.com); Kevin Flyte (kflyte@dairylandlabs.com); Kevin Beckard (kbeckard@agsource.com); wapac.info@gmail.com; Steve Prouty (proag@wicw.net) (proag@wicw.net); todd orlowski; Kevin Erb (kevin.erb@ces.uwex.edu); danacook2000@gmail.com; Nathen Nysse (nenysse@yahoo.com); Brian Mooney (BMooney@delongcompany.com); scott.petges@landmark.coop; Matt Luther (matt_luther@rockriverlab.com); knutzencrop@charter.net; Donald Schmidt JR (dons@agventuresllc.com); Tom Novak; Jen Biscoe (jenbiscoe@rockriverlab.com)
Cc: Walling, Sara Z - DATCP; Boehne, Todd E - DATCP; Porter, Sue M - DATCP; Jenks, Mark W - DATCP; pat.murphy@wi.usda.gov; jim@wlwca.org; Rasmussen, Russell A - DNR; Johnson, Kenneth G - DNR; Moroney, Matt S - DNR; DNR DL WD WT RMP AWI
Subject: Comments requested for DRAFT DNR Guidance on Public Notice Substantial Changes to CAFO NM plans - 03-26-2013
Importance: High

The purpose of this email is to give notice that today - March 26, 2013 - the Department posted on its website - <http://dnr.wi.gov/news/input/Guidance.html> - DRAFT guidance for Public Notice of Substantial Changes to CAFO Nutrient Management Plans (NMP).

We created the guidance to meet federal requirements found within EPA's 2008 CAFO Regulations - http://cfpub.epa.gov/npdes/afo/cafofinalrule.cfm?program_id=7.

We encourage you to review and provide comments on this guidance document.

The deadline for submitting comments is April 18, 2013.

We also encourage you to forward this email to others who may be impacted by this federal requirement.

If you have any questions or comments, please do not hesitate to contact me directly. I look forward to reviewing any feedback you have on our DRAFT guidance for Public Notice of Substantial Changes to CAFO NMPS.

Sincerely,

Andrew Craig
Statewide Nutrient Management Specialist
Wisconsin Department of Natural Resources
Bureau of Watershed Management - Runoff Management Section
Phone: (608) 267-7695
E-mail: Andrew.Craig@wisconsin.gov
Mail: 101 S. Webster Street, PO Box 7921 - Madison, WI 53707-7921

Craig, Andrew D - DNR

From: Craig, Andrew D - DNR
Sent: Friday, April 19, 2013 1:09 PM
To: 'Deric DuQuaine'
Cc: Jim Ostrom
Subject: RE: Response to DRAFT DNR Guidance on Public Notice Substantial Changes to CAFO NMPs

Thank you for your comments, Deric. We are in receipt.

Andrew Craig
Statewide Nutrient Management Specialist
Wisconsin Department of Natural Resources
Bureau of Watershed Management - Runoff Management Section
Phone: (608) 267-7695
E-mail: Andrew.Craig@wisconsin.gov

Mail: 101 S. Webster Street, PO Box 7921 - Madison, WI 53707-7921

From: Deric DuQuaine [<mailto:dduquaine@milksource.net>]
Sent: Thursday, April 18, 2013 11:45 AM
To: Craig, Andrew D - DNR
Cc: Jim Ostrom
Subject: Response to DRAFT DNR Guidance on Public Notice Substantial Changes to CAFO NMPs

Dear Mr. Craig,

This email provides comments to the proposed guidance to implement EPA public notice requirements for substantial modifications to nutrient management plans.

The rules proposed by this guidance with respect to what is, and apparently always is, a substantial modification to an NMP, actually open the door to more harm to the environment than good. As acknowledged in the proposed guidance, CAFOs update their NMPs on at least an annual basis, and often more frequently, for example, when additional land becomes available to the farming operation during the year. Mandating the standards proposed by your regulations will inevitably open the door to prolonged review of additional NMP acreage even if information provided with the NMP modification shows that the environment is adequately protected.

WDNR staff should continue to have the ability to work with farmers and their agronomists and to gain additional detail directly from them, if necessary, to determine whether a substantial modification actually exists. This will allow land to be brought into an NMP in an efficient manner.

If anything, guidance adopted by WDNR should encourage bringing more unregulated land into NMPs, rather than creating rules that make bringing acreage into an NMP more difficult and cumbersome.

Thank you for your consideration.

Deric P. DuQuaine
General Counsel
Milk Source, LLC
N3569 Vanden Bosch Road
Kaukauna, WI 54130

dduquaine@milksource.net
(920) 766-5335 ext. 4644
(920) 766-3579 fax
(920) 217-1325 cell

The contents of this e-mail message and any attachments are intended solely for the addressee(s) named in this message. **This communication is intended to be and to remain confidential and may be subject to applicable attorney/client and/or work product privileges.** If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and its attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.

April 18, 2013

Andrew Craig

RE: Comments on CAFO NUTRIENT MANAGEMENT PLANS – PROPOSED PUBLIC NOTICE OF MODIFICATIONS TO A NMP

Dear Mr. Craig:

Please consider the following comments from Polenske Agronomic Consulting on the proposed guidance to implement public noticing requirements for modifications to a NMP.

Pg 2, under Substantial Modifications, item 2:

The EPA documents that this is in response to do not mention drainage tile lines as a substantial modification. The EPA is concerned about CAFOs setting their own WPDES permit conditions (pg 2, under Background, paragraph 2). If a farm already has tile lines on other fields in their plan with tile lines addressed in their NMP, and permit conditions to follow Best Management on fields with drainage tile exist; then public notice should not be required. Public notice should only occur on a CAFO that does not address tile lines in their NMP.

Pg 3, under Substantial Modifications, item 4:

Companion, double and cover crop situations are not addressed in A2809. Snap Plus includes some of these cropping situations, but there are important cropping systems that both A2809 and Snap Plus leave out. One example of this exclusion is Winter Wheat to Tillage Radish. This is a new and innovative system that some farmers are using to take up manure nutrients after wheat and will sometimes harvest the radish for forage. By regulating the crops that can be planted you are hindering the use of alternate crops that promote more diversity in the rotation. Please remove this requirement or allow for substitutions of similar crops and allow companion, double and cover crops in the cropping system.

Pg 3, under Substantial Modifications, item 5:

Frozen and Snow covered conditions can occur at many times of the year not just in winter. These conditions are subjective and it can be difficult to determine if these conditions exist when farmers are applying. This will hinder the ability to spread manure when there is light snow or slightly frozen soil in spring and fall times of the year. This also leaves the judgment up to the DNR on whether or not the CAFO is in compliance. If the CAFO can incorporate the manure properly in frozen or snow covered conditions, there is no risk to the environment and this practice should not require public notice.

Pg 3, under Substantial Modifications, item 6:

Public noticing should only be needed when "T" is exceeded not on any changes of "T". As long as "T" is met there are no risks to the environment.

Pg 3, under Substantial Modifications, item 7:

Research projects should not require public noticing; these projects are in place to provide valuable information to the farming community and the environment. They are often done on a very small scale, thus minimizing risks to the environment.

Pg 3, under Substantial Modifications, item 8:

This is too vague and broad, leaving the CAFO owner unsure of what exact practices need to be public noticed. It also gives too much power to the central office on determining if the CAFO needs to give public notice. The CAFO would have to inform the DNR staff on any changes in applying manure and it is unclear on what practices this would encompass. Please strike this from the document or give some guidelines on the technologies that this would apply to.

Pg 3, under Public Notice Process

The least amount of days of public noticing that is necessary is important. Often times these fields that are added during the manure hauling season are fields that are low in phosphorus and are good candidates for manure and the proposed guidance will not allow new fields to be added in a timely manner and thus deter manure from being applied on fields that need it.

Public notice of information submitted via the electronic (web-based) method should show only the necessary information, i.e. the farm and where the land is located. The more detailed information should be available in the DNR office if a person wants to go in and get it. This is very important confidential farm information. Public noticing all information on the internet would be detrimental to their businesses. Precedent for this practice exists since previously, when things were public noticed in the paper, all the information was not published and the person would have to go to the office and request additional information.

Thank you for considering our comments.

Sincerely,

Todd Schaumberg

Jeff Polenske

Nathen Nysse

Bill Schaumberg

April 18, 2013

Andrew Craig
Department of Natural Resources
101 S. Webster Street
Madison, WI 53703

RE: Proposed guidance to implement EPA public notice requirements for modifications to nutrient management plans.

Dear Mr. Craig:

On behalf of the Dairy Business Association (DBA), this letter provides comments on the Department of Natural Resources' (DNR's or the Department's) proposed program guidance to implement public notice requirements for "substantial modifications" to nutrient management plans. DBA is a statewide organization comprised of dairy producers, processors and allied industry supporters. Our mission is to promote the growth and success of all dairy businesses in Wisconsin.

As an initial matter, DBA appreciates the Department's attempt to be more transparent with the regulated community. While governmental transparency concerning agency guidance is generally a positive development, we do have significant concerns over how the Department staff will treat this new method of transparency. Will staff treat new guidance as if it carries the weight of state statute or administrative rule? Will the Department use this method to circumvent the law and rule making processes? Although it is helpful for the regulated industry to understand the guidance DNR will rely upon in implementing statutes and promulgated rules, the opportunity for public notice provided by this transparency program does not satisfy the rulemaking requirements established in Wis. Stat. chapter 227. During the 2011-2013 legislative session, the Governor and Legislature made it a high priority to spell out a process by which regulations are promulgated. This current session, the Assembly has again made the state's regulatory burden a subject of their scrutiny with its 'Right the Rules' initiative. With this backdrop, there is a significant risk that the use of this transparency program will result in DNR adopting and attempting to enforce new "regulations" without the rulemaking process, which violates state law and renders any such regulations invalid and unenforceable.

DBA believes the proposed guidance is intended to outline new processes that all CAFOs will be obligated to comply with, and therefore constitutes a "rule" which requires rulemaking process pursuant to Wis. Stat chapter 227.

The balance of this letter provides specific comments on the proposed guidance. As a point of fact, modifications to nutrient management plans occur routinely, by or with the assistance of professional certified agronomists, always in the best interest of the land, and to best serve cropping needs and reduce nutrient losses. As such, the modifications that are considered

“substantial” should be limited in nature to avoid significant delays in the operation of farming businesses throughout Wisconsin.

Bullet 2: DBA is concerned that the “addition or identification of drainage tile lines, inlets or outlets (new or existing) not identified in a permittee’s current NMP” would be considered a “substantial modification.” DBA has many members who grow crops on acreage that has been in production for hundreds of years. It is possible that some of those fields have historic tile lines, for which no maps were ever made or the old maps have since been destroyed or are no longer available. If the proposed guidance is finalized as proposed, and a farmer identifies an historic tile line on a field currently in production, would they be prohibited from applying nutrients to that field until the public comment/hearing process is completed? More likely than not, the success of that crop will depend on timely nutrient applications – it is unacceptable that those applications could be delayed or prohibited until the “substantial modification” process is completed. It is unacceptable to risk the loss of an entire crop field because an historic tile line is newly identified.

Bullet 4: DBA is concerned that requiring public notice for applications on fields in SWQMAs that do not have recommended rates in A2809 will be overly burdensome and may delay implementation of application methods that are protective of water quality. We understand that companion-, double- and cover-crop scenarios are not addressed in A2809. These are important cropping systems that, while they are not yet addressed by A2809, are innovative and do provide system-wide benefits, including additional nutrient uptake, reduction in erosion and additional diversity in an overall crop rotation. This bullet should be removed from the guidance.

Bullet 5: This bullet is confusing, inconsistent with NR 243 and should be removed. The determination of whether a field is actually “frozen or snow-covered” is typically a judgment call, based on the totality of circumstances, made by the professional agronomist at the time the application is proposed. Including this as a “substantial modification” sets up DNR staff to challenge, disagree with and micro-manage every decision made by state-certified professional agronomists based on a totality of circumstances. Such an outcome is unacceptable to farmers trying to operate a business in compliance with its permit and NMP. Moreover, if a farmer applies manure contrary to the requirement of its permit, its NMP or NR 243 requirements for frozen or snow covered conditions, DNR’s remedy is to pursue enforcement action. There is no legal or practical justification for requiring public notice for a planned application of manure.

Bullet 6: A change in application method, tillage or crop rotation should only be considered a “substantial modification” if the change will result in an exceedance of allowable “T.” There is no justification for requiring public comment and an opportunity for a hearing if a farmer simply plans to inject manure instead of surface apply if that change will not result in an exceedance of T. Field by field increases in soil loss are documented in NMP annual reports and SNAP Plus reports. Requiring any increase in T to go through public notice period is impractical, and there is no scientific or regulatory justification for such a requirement.

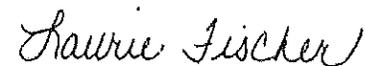
Bullet 7: This bullet is contrary to § 283.60, Wis. Stats. and must be removed. Section 283.60 of the statutes was enacted in 2011 to allow waivers for DNR-approved nutrient management research projects. If the legislature had intended these projects to be subject to public notice requirements it would have included public notice requirements in the statute. The legislature did not intend those projects to be subject to public notice and DNR cannot require such public notice by this proposed guidance. If the Department wishes those projects be subject to public notice, it should seek revision to the statute.

Bullet 8: This bullet point is vague and is contrary to the DNR and DATCP management's overall support for implementing and disseminating innovative nutrient management technologies. To date, DNR staff has not embraced innovative nutrient management technologies and has made the implementation of those technologies financially and/or operationally impossible, or nearly so, because of excessively stringent permitting and monitoring requirements. Requiring new public participation processes for innovative nutrient management technologies will create even more road blocks for the development and implementation of innovative technologies that are likely to result in more precise and more environmentally sound nutrient applications. This bullet should be removed from the guidance.

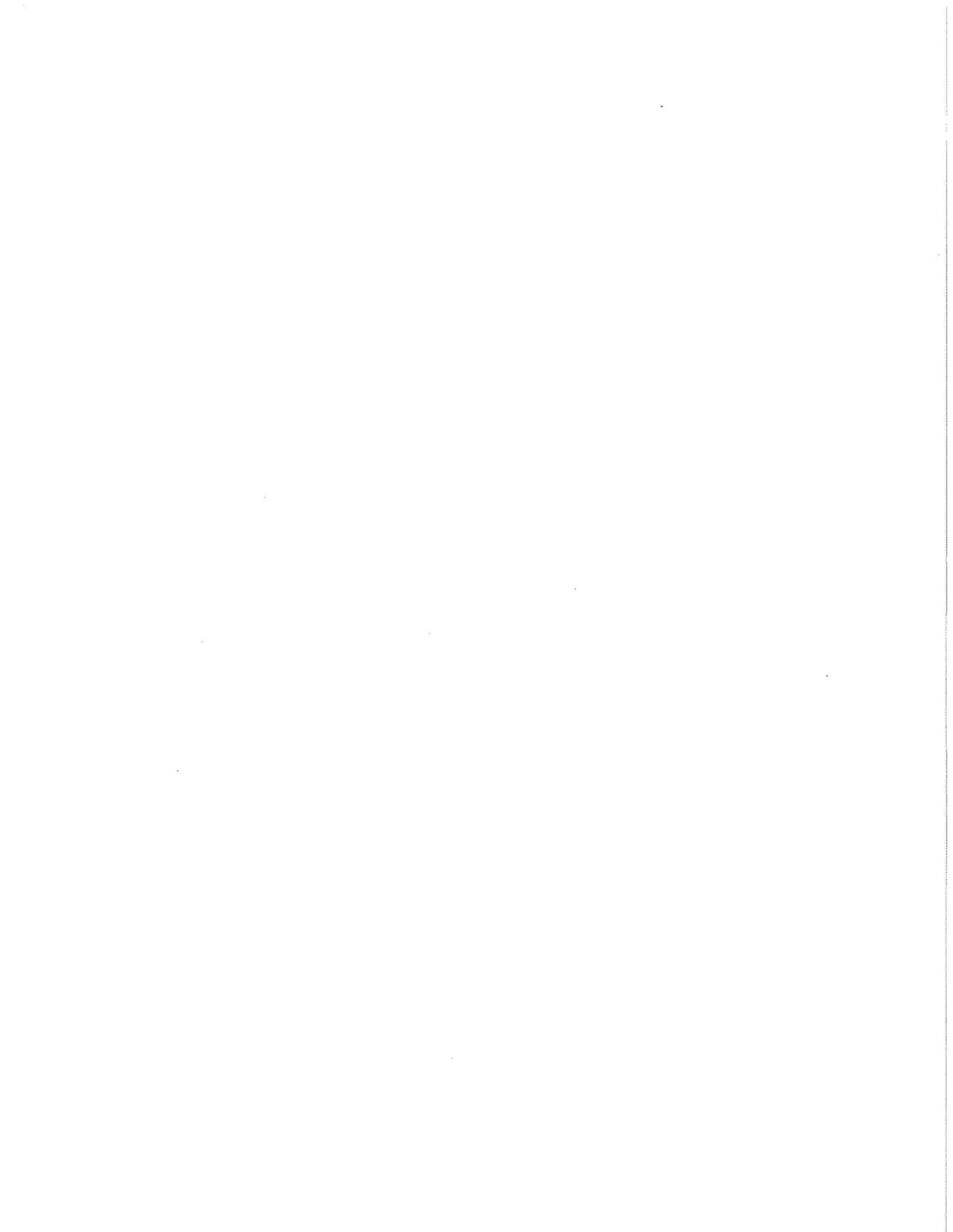
In summary, DBA believes the proposed guidance is, in effect, rulemaking without complying with the rulemaking requirements included in Wis. Stat. chapter 227. Should the Department proceed with issuing this guidance in a final format, the comments above must be considered and the draft guidance must be revised accordingly before being issued as final.

Please contact me if you would like to discuss these comments further. DBA appreciates the opportunity to provide comment on this draft guidance.

Sincerely,



Laurie Fischer, Executive Director
Dairy Business Association





Midwest
Environmental
Advocates

BOARD OF
DIRECTORS

WILLIAM LYNCH
President
Milwaukee

STEPHANIE TAI
Vice President
Madison

DANIEL IDZIKOWSKI
Treasurer
Milwaukee

HELEN SARAKINOS
Secretary
Madison

ARLEN CHRISTENSON
Founding President
Madison

MELISSA SCANLAN
Founder
Milwaukee

JIM GOODMAN
Wausau

TIM JACOBSON
La Crosse

KELLY PARKS SNIDER
Madison

GORDON STEVENSON
Black Earth

LARRY WAWRONOWICZ
Lac du Flambeau

STAFF

KIMBERLEE WRIGHT
Executive Director

KELLY FORMAN
Director of Administration
and Finance

DENNIS GRZEZINSKI
Senior Attorney

JODI HABUSH SINYKIN
Senior Attorney

STACY HARBAUGH
Communications and
Outreach Coordinator

BETSY LAWTON
Senior Attorney

JIMMY PARRA
Legal Advocate

SARAH WILLIAMS
Staff Attorney



Wednesday, April 17, 2013

Andrew Craig
Water Resource Management Specialist
Wisconsin Department of Natural Resources
101 South Webster Street
Madison, WI 53703

*Re: Comments on Draft CAFO Nutrient Management Plans – Public Notice of
Modifications to an NMP*

Dear Mr. Craig:

We appreciate the opportunity to submit comments to the Wisconsin Department of Natural Resources (“DNR”) regarding its draft guidance on public notice requirements for modifications to a nutrient management plan (“NMP”) by a concentrated animal feeding operation (“CAFO”). Midwest Environmental Advocates, Inc. (“MEA”) is a non-profit environmental law center that provides legal and technical assistance to communities and families working for clean air, clean water, and clean government.

As noted in the draft guidance, federal law requires public notice and state agency review and approval for all substantial modifications to a CAFO’s NMP. The permitting authority, which in Wisconsin is the DNR, must provide public notice and a comment period prior to its approval of any substantial change to the terms of an NMP.¹ If a producer makes *any* change to the terms of an NMP, even if the change is not substantial, the DNR is required to make the revised NMP publicly available and to “inform the public of any changes to the terms of the nutrient management plan that are incorporated into the permit.”²

¹ 40 C.F.R. § 122.42(e)(6)(ii)(B) (“If the Director determines that the changes to the terms of the nutrient management plan are substantial, the Director must notify the public and make the proposed changes and the information submitted by the CAFO owner or operator available for public review and comment.”).

² 40 C.F.R. § 122.42(e)(6)(ii)(A) (“If the Director determines that the changes to the terms of the nutrient management plan are not substantial, the Director must make the revised nutrient management plan publicly available and include it in the permit record, revise the terms of the nutrient management plan incorporated into the permit, and notify the owner or operator and inform the public of any changes to the terms of the nutrient management plan that are incorporated into the permit.”).

According to federal law, substantial changes to an NMP include, but are not limited to:

- (A) Addition of new land application areas not previously included in the CAFO's nutrient management plan. Except that if the land application area that is being added to the nutrient management plan is covered by terms of a nutrient management plan incorporated into an existing NPDES permit in accordance with the requirements of paragraph (e)(5) of this section, and the CAFO owner or operator applies manure, litter, or process wastewater on the newly added land application area in accordance with the existing field-specific permit terms applicable to the newly added land application area, such addition of new land would be a change to the new CAFO owner or operator's nutrient management plan but not a substantial change for purposes of this section;
- (B) Any changes to the field-specific maximum annual rates for land application, as set forth in paragraphs (e)(5)(i) of this section, and to the maximum amounts of nitrogen and phosphorus derived from all sources for each crop, as set forth in paragraph (e)(5)(ii) of this section;
- (C) Addition of any crop or other uses not included in the terms of the CAFO's nutrient management plan and corresponding field-specific rates of application expressed in accordance with paragraph (e)(5) of this section; and
- (D) Changes to site-specific components of the CAFO's nutrient management plan, where such changes are likely to increase the risk of nitrogen and phosphorus transport to waters of the U.S.¹

The EPA developed these rules for the incorporation and public notice of an NMP in a National Pollutant Discharge Elimination System permit in response to a federal court mandate in *Waterkeeper Alliance, Inc. v. United States Environmental Protection Agency*.² In *Waterkeeper*, the court determined that the terms of the NMP "are themselves effluent limitations" and that the Clean Water Act thus requires public notice, the opportunity for comment, and agency review and approval of NMP terms.³ The Wisconsin legislature has recently provided electronic notice and comment procedures for substantial changes to an NMP.⁴

In addition to federal rules, Wisconsin's own WPDES permit program provides procedures for permit modifications.⁵ These rules specify that all but minor modifications to WPDES permits must be subject to public notice requirements.

We are glad that the DNR will provide guidance on how it will ensure that the Wisconsin Pollutant Discharge Elimination System ("WPDES") program meets the requirements of federal

¹ 40 C.F.R. § 122.42(e)(6)(iii).

² 399 F.3d 486 (2005).

³ *Waterkeeper Alliance, Inc. v. United States Env'tl. Prot. Agency*, 399 F.3d 486, 501-04 (2005); see also 33 U.S.C. §§ 1251(e), 1342(a), (b)(3), (j).

⁴ 2011 Wis. Act. 167.

⁵ E.g., Wis. Stat. § 283.53; Wis. Admin. Code § NR 203.015.

and state law.⁶ Our experience has been that the DNR's prior practice of allowing substantial modifications to NMPs, such as additions of fields or changes in manure management practices, has led to substantial public frustration, surprise, and misunderstanding of WPDES permits for large CAFO facilities, which as you know often attract significant public interest and concern. The DNR made clear that the purpose of this guidance is to ensure compliance with state and federal public notice requirements and to address the concerns of the U.S. Environmental Protection Agency that CAFOs in Wisconsin are modifying their WPDES permits through NMP modifications without public notice.

However, we are concerned about the sufficiency of the draft guidance to ensure compliance with federal and state law, for the reasons specified below. We hope the DNR modifies the draft guidance in order to ensure compliance with the law and to ensure the public has the notice of and input into NMPs to which it is entitled.

A. Authorizing a permittee to amend an NMP without DNR review and approval will result in a WPDES program that fails to comply with federal law.

The draft guidance provides, "Except for substantial modifications identified below, the department may establish a condition in the WPDES permit that allows the permittee to implement certain types of nutrient management plan amendments without obtaining, or prior to obtaining, department approval and without following public notice and public participation procedures."⁷

While this is consistent with Wis. Admin. Code § NR 243.14(1)(c)2., it fails to ensure compliance with 40 C.F.R. § 122.42(e)(6)(i) and (ii). The federal regulations require agency review and approval for all changes to an NMP except "the results of calculations made in accordance with the requirements of paragraphs (e)(5)(i)(B) and (e)(5)(ii)(D) of this section," which require CAFO operators to calculate the maximum amount of manure, litter, and process wastewater to be land applied at least once each year.⁸ Thus, other than the excepted calculations, all changes to the terms of an NMP must be reviewed and approved.

This potential inconsistency with Wis. Admin. Code § NR 243.14(1)(c)2 can be explained by the fact that NR 243 was created prior to the adoption of this requirement in the federal regulations.⁹ The DNR can avoid noncompliance with federal law by providing an explanation in its guidance that the only modifications to an NMP that may be made without DNR review and approval are the results of a calculation of the maximum amount of manure to be land applied in that year. As a practical matter, specifying the limited situations in which NMP changes can

⁶ 2011 Wis. Act 167; 40 CFR 122.42.

⁷ Wisconsin Department of Natural Resources, *Draft Program Guidance CAFO Nutrient Management Plans – Public Notice of Modifications to an NMP (hereinafter "Draft Guidance")*, 2 (Mar. 20, 2013).

⁸ 40 C.F.R. § 122.42(e)(6)(i), (ii).

⁹ Wis. Admin. Register April 2007 No. 616 (creating Wis. Admin. Code ch. NR 243, effective on July, 1, 2007); Revised National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitations Guidelines for Concentrated Animal Feeding Operations in Response to the Waterkeeper Decision, 73 Fed. Reg. 70418, 70437 (Nov. 20, 2008).

be made by applicants without DNR approval will help avoid confusion on the part of the public and potential non-compliance with nutrient management requirements by applicants.

Comment: In order to ensure that Wisconsin's regulations are interpreted and applied in accordance with federal law, we request that the DNR revise the guidance to clarify that, with one limited exception, all changes to an NMP must be reviewed and approved by the DNR. Consistent with federal law, a WPDES permit may allow a permittee to modify an NMP without DNR review and approval only to incorporate the results of the calculation of the maximum amount of manure to be land applied in that year.

B. Federal law requires that the addition of any field to an NMP requires public notice.

Federal law is explicit that the addition of any new field to an NMP must be publicly noticed, reviewed and approved by the state agency.¹⁰ The draft guidance does not require public notice of the addition of all new fields to an NMP. The draft guidance provides that public notice is required for the addition of new fields to an NMP only if those fields are within a surface water quality management area ("SWQMA") and the permittee uses the soil test phosphorus method.¹¹

This inconsistency with federal law is particularly concerning given how often CAFOs add fields to their NMPs during the permit term. We are aware of several CAFOs that have added a number of fields to their NMPs during the permit term without public notice. This has, on some occasions, led to unpleasant surprise on the part of neighbors who had no notice of these additions until the manure trucks arrived and began spreading, and has resulted in complaints to the department.

Comment: MEA requests that the DNR's guidance provide that the addition of any new field to an NMP that was not included in another CAFO's NMP at that land application rate is a substantial change that requires a public notice and comment period prior to DNR approval. This change is required to ensure that the WPDES CAFO program is implemented consistent with federal law. We also suggest the guidance be amended to require neighboring residents or landowners be notified of additions of fields to NMPs when they occur mid-permit term, prior to manure spreading on those new fields, and regardless of whether general public notice is required.

¹⁰ 40 C.F.R. § 122.42(e)(6)(iii)(A) (providing that substantial changes include the "[a]ddition of new land application areas not previously included in the CAFO's nutrient management plan. Except that if the land application area that is being added to the nutrient management plan is covered by terms of a nutrient management plan incorporated into an existing NPDES permit in accordance with the requirements of paragraph (e)(5) of this section, and the CAFO owner or operator applies manure, litter, or process wastewater on the newly added land application area in accordance with the existing field-specific permit terms applicable to the newly added land application area, such addition of new land would be a change to the new CAFO owner or operator's nutrient management plan but not a substantial change for purposes of this section").

¹¹ Draft Guidance at 2 (requiring public notice only for the "addition of new fields located within a SWQMA that are not included in the permittee's or another permittee's current NMP" for permittees using the soil test phosphorus method).

C. Other changes to NMPs also require public notice.

There are a number of other changes to the terms of an NMP that should be included in the guidance as substantial changes that require public notice. As noted in the draft guidance, the central question under federal law to determine whether public notice is required is whether site-specific changes to an NMP “are likely to increase the risk of nitrogen and phosphorus transport to waters of the U.S.”¹² However, the guidance defers the DNR’s determination of which practices are likely to increase the risk of nitrogen and phosphorus runoff to a future, case-by-case and permit-by-permit analysis.

The failure to identify at least some of these practices now defeats the purpose of the guidance, in that neither applicants nor the public will have up-front notice of what changes will require an NMP amendment. Deferring decisions to individual permitting situations is no better than the system in place now, which for the public relies on Open Records Requests, chance discussions with DNR permitting staff, and other strategies that are time-consuming both for DNR staff and the public. The failure to identify practices now also dovetails uncomfortably with the guidance’s provision that some changes to NMPs can be made without even department pre-approval. This sets up the possibility that producers will make changes to their NMPs in ways that increase the likelihood of nutrient pollution to waters of the United States without even DNR notice or approval.

The following changes, at a minimum, meet the criterion identified in the federal rules and should be included in the guidance now.

1. *Changing the time of land application from spring or summer to fall or winter.*

The timing of the land application of manure affects the chance that the nutrients will runoff the field and pollute Wisconsin’s waters. Wisconsin’s regulations require that “land application practices shall maximize the use of available nutrients for crop production, prevent delivery of manure and process wastewater to waters of the state, and minimize the loss of nutrients and other contaminants to waters of the state to prevent exceedances of groundwater and surface water quality standards and to prevent impairment of wetland functional values.”¹³ The technical standards recognize that the timing of application affects the risk of pollutant transfer to surface waters, with fall and winter as a time of higher risk.¹⁴

Comment: MEA requests that the draft guidance require public notice if a permittee revises an NMP to change the timing of application from spring or summer to fall or winter. This is a substantial change pursuant to the federal regulations that require notice for any NMP changes that increase the risk of pollutant transfer to waters of the state.

¹² 40 C.F.R. § 122.42(e)(6)(iii)(D).

¹³ Wis. Admin. Code § NR 243.14(2)(b)6.

¹⁴ See Natural Resources Conservation Service, Wisconsin Conservation Planning Technical Note 1 (Nov. 2008).

2. *Increasing the number of animal units at a CAFO.*

The number of animal units at a CAFO has a direct correlation to the amount of manure produced that the permittee must store and dispose of pursuant to the terms of its NMP. A number of state and federal requirements for NMPs make clear that adequate storage for the amount of manure produced at a CAFO is a key NMP term.¹⁵ The adequacy of manure storage is tied to the risk of pollutant transfer to waters of the state because CAFOs with less storage relative to the amount of manure produced will be more likely to require emergency application of manure on frozen- or snow-covered ground, which has an increased risk of pollutant runoff.¹⁶

Comment: We request that the draft guidance require public notice when a CAFO increases the number of animal units. The number of animals at a CAFO is related to its ability to maintain adequate storage so that the CAFO can land apply manure when it is most beneficial for the crops and least likely to pollute water.

3. *Approving the use of spray irrigation for land application of manure.*

Additional setback and other requirements apply when manure is land applied through a spray irrigation system.¹⁷ Given the potential for manure drift from manure that is sprayed through an irrigation system, and the risk of over-application, the practice of spray irrigation of manure may increase the chance of pollutant transfer to waters of the state.

Comment: MEA requests that the DNR require public notice when a CAFO proposes to land apply manure through spray irrigation. This is related to the risk of pollutant transfer to waters of the state and public concerns about other impacts of this practice.

D. These public notice requirements will need to be adopted through formal rulemaking.

We appreciate the DNR's effort to develop guidance that will help DNR staff ensure that the WPDES program is administered in compliance with the public notice requirements in federal law. This is an effective way to quickly implement these changes. However, this guidance provides significant information regarding how the DNR will implement the public notice requirements in the WPDES program. It also is, on its face, inconsistent with existing

¹⁵ 40 C.F.R. § 122.42(e)(1)(i); Wis. Admin. Code § NR 243.14(9); *see also* Wis. Admin. Code § NR 243.25(3)(k) (providing that the adequacy of a CAFO facility's manure storage is "calculated based on the maximum animals present at an operation for the period of time liquid manure and other wastes mixed with the liquid manure are to be stored during any 180-day period").

¹⁶ Wis. Admin. Code § NR 243.14(6), (7) (providing restrictions on land applying manure on frozen or snow-covered ground with exceptions for emergency situations).

¹⁷ Wis. Admin. Code § NR 214.14.

requirements providing that only minor changes to WPDES permits can be made without public notice.¹⁸

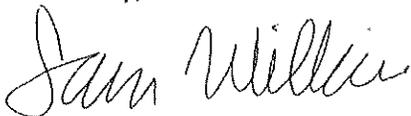
Ultimately, these changes must be formalized through the rulemaking process. We appreciate the opportunity for public comment on this draft guidance, and we look forward to providing additional input through the rulemaking process, which provides a scoping process, public notice, a public comment period, and a public hearing.

Comment: We request that the DNR begin the process of incorporating these changes to public notice under the WPDES program into its regulations through the formal rulemaking process. This is necessary to ensure maximum public involvement and full compliance with federal law.

We appreciate the opportunity to review this draft guidance and to provide comments to the DNR. By providing these comments, we do not waive any argument in any future proceeding that the guidance as proposed, finalized, or implemented is in violation of federal or state laws.

We look forward to your response.

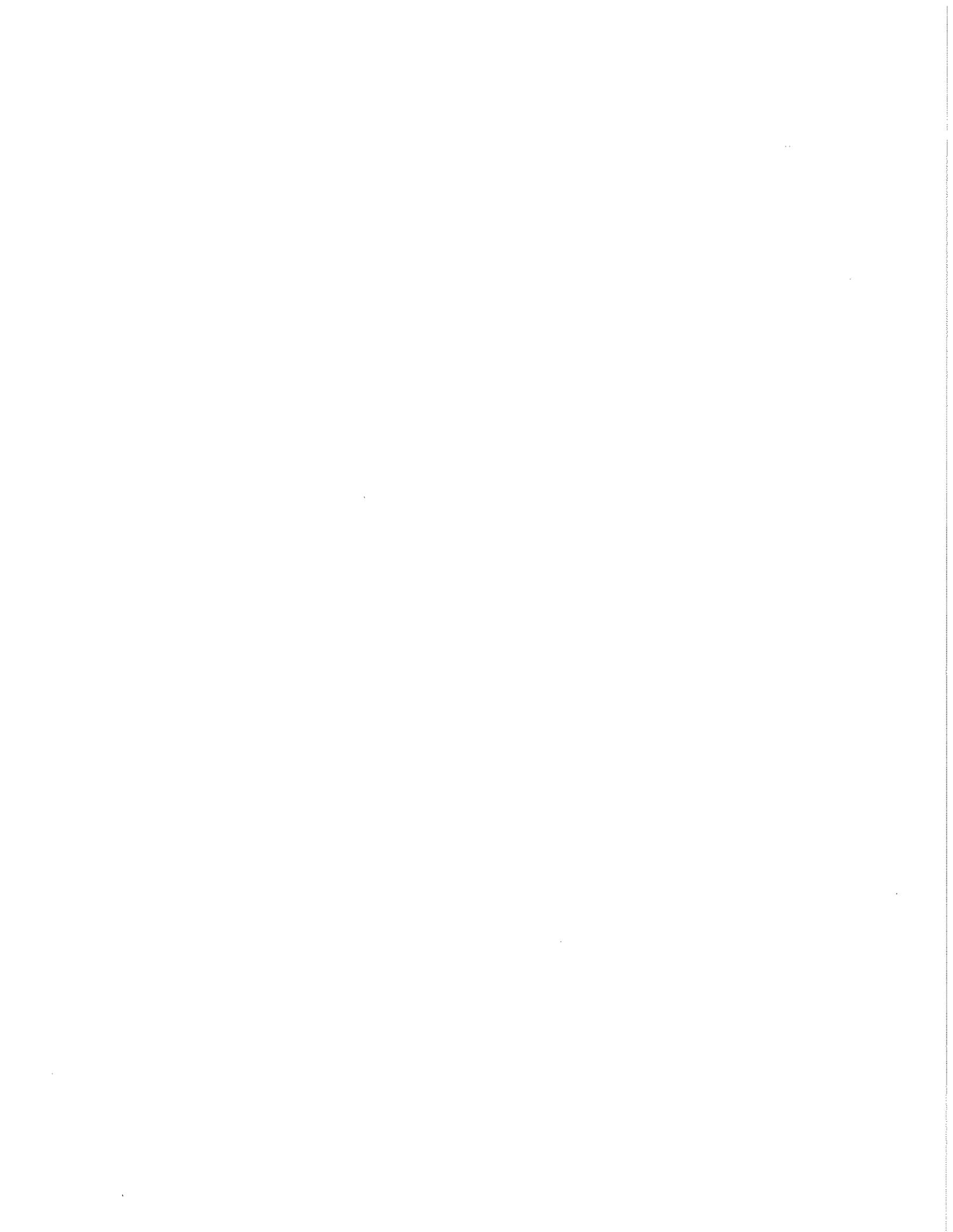
Sincerely,



Sarah Williams
Staff Attorney
Midwest Environmental Advocates, Inc.

cc: Julianne Socha, U.S. EPA

¹⁸ Wis. Stat. § 283.53(2)(a); Wis. Admin. Code § NR 203.015.



Craig, Andrew D - DNR

From: Bauman, Thomas S - DNR
Sent: Monday, April 22, 2013 9:18 AM
To: Craig, Andrew D - DNR; Lowndes, MaryAnne - DNR
Subject: FW: CAFO NMP Guidance

Importance: High

FYI...EPA Comments on our draft NMP guidance.

Tom Bauman

Agricultural Runoff Program
Wisconsin Department of Natural Resources
(☎) phone: (608) 266-9993
(☎) fax: (608) 267-2800
(✉) e-mail: thomas.bauman@dnr.state.wi.us

From: Socha, Julianne [<mailto:socha.julianne@epa.gov>]
Sent: Friday, April 19, 2013 7:34 PM
To: Bauman, Thomas S - DNR
Subject: RE: CAFO NMP Guidance

Tom,

Thanks for the opportunity to review WDNR's draft guidance for public notice of modifications to nutrient management plans. The draft guidance appears to present two main inconsistencies with the federal CAFO rules: (1) limits WDNR review and public participation to only substantial changes and (2) limits substantial changes to fields and applications within surface water quality management areas (SWQMAs).

Page 2 of the draft guidance states *"Except for substantial modifications identified below, the department may establish a condition in the WPDES permit that allows the permittee to implement certain types of nutrient management plan amendments without obtaining, or prior to obtaining, department approval and without following public notice and public participation procedures."*

The federal rules do not provide that a CAFO owner or operator can implement changes to its nutrient management plan without review and notification from the permitting authority and, when applicable, public participation. As discussed in the preamble to the 2008 CAFO final rule [73 FR 70451-70455], EPA encourages CAFO owners and operators to develop nutrient management plans that include reasonably predictable alternatives that a CAFO may implement during the period of permit coverage. The federal rules at 40 CFR 122.42(e)(5) provide flexibility through the use of two approaches to develop the terms of the nutrient management plan, such that, most routine changes at a facility should not require revisions to the nutrient management plan. However, unanticipated changes to the nutrient management plan may nevertheless be necessary. It is notification of such changes that CAFO owners or operators need to provide to the permitting authority.

The federal rules require a CAFO owner or operator to notify the permitting authority of changes to the CAFO's nutrient management plan, provide the permitting authority with the most current version of the nutrient management plan, and identify changes from the previous version. [40 CFR 122.42(e)(6)(i)] This requirement is applicable to all changes to nutrient management plans not just substantial changes. This federal requirement affords the permitting authority the opportunity to review the revised nutrient management plan to ensure that it meets the requirements in 40 CFR 122.42(e) and applicable effluent limitations and standards, including those specified in 40 CFR part 412. [40 CFR 122.42(e)(6)(ii)]

EPA recommends that the draft guidance includes language that clearly states whenever a CAFO owner or operator makes changes to a CAFO nutrient management plan; the CAFO must submit the most current version to WDNR for review and identify the changes from the previous version. The only exception is that results from

calculations made in accordance with 40 CFR 122.42(e)(5)(i)(B) and 122.42(e)(5)(ii)(D) are not required to be submitted to the permitting authority as a change to a CAFO nutrient management plan. [40 CFR 122.42(e)(6)(i)]

The permitting authority must determine if the changes to the NMP necessitate revisions to the terms of the NMP incorporated into the CAFO's permit. [40 CFR 122.42(e)(6)(ii)] If the permitting authority determines that it is necessary to revise the terms of the nutrient management plan, the permitting authority must determine whether the changes to the nutrient management plan are substantial or non-substantial and provide the appropriate public participation. Public participation, to some extent, is required for both substantial and non-substantial changes. [40 CFR 122.42(e)(6)(ii)(A) and (B)] Although non-substantial changes to the terms of the nutrient management plan are not subject to public notice and comment, the federal regulations provide that the public be made aware of these changes. The federal regulations require that the permitting authority make the revised nutrient management plan available to the public and include it in the permit record, revise the terms of the nutrient management plan incorporated into the permit, and notify the owner or operator and inform the public of any changes to the terms of the nutrient management plan that are incorporated into the permit. [40 CFR 122.42(e)(6)(ii)(A)]

Only when the permitting authority determines that revision to the terms of the nutrient management plan is not necessary is there no federal requirement for public participation. [40 CFR 122.42(e)(6)(ii)] The language on page 2 of the draft guidance suggests that public participation may not be provided for non-substantial changes.

EPA recommends that the draft guidance includes language that clearly states that public participation will be provided for both substantial and non-substantial changes to the terms of the nutrient management plan incorporated into a CAFO permit.

The language on page 2 of the draft guidance also suggests that a CAFO owner or operator may implement changes to the nutrient management plan without obtaining, or prior to obtaining, WDNR approval. Even if the permitting authority determines that changes to the nutrient management plan do not necessitate revisions to the terms of the nutrient management plan incorporated into the CAFO permit, the CAFO may only implement the changes upon notification from the permitting authority that the permit does not need to be modified. [40 CFR 122.42(e)(6)(ii) and 73 FR 70453]

EPA recommends that the draft guidance includes language that clearly states that no changes to the nutrient management plan may be implemented prior to or without receiving notification from the permitting authority.

Fields available for land application are a term of the nutrient management plan. [40 CFR 122.42(e)(5)] The addition of new land application areas not previously included in the CAFO's nutrient management plan are identified in the federal regulations as a substantial change to the terms of the nutrient management plan. [40 CFR 122.42(e)(6)(iii)(A)] The federal regulations do not exclude any new land application areas from being a substantial change based on the location of the new land application area or the approach used to address the rates of application on these new land application areas. Page 2 of the draft guidance provides that WDNR should only consider the addition of a new land application area a substantial change if the permittee uses the soil test phosphorus method and the new area is within a SWQMA. Additionally, other substantial changes identified in the draft guidance are applicable only to fields within a SWQMA. The outcome of the field-specific risk assessment and the maximum amount of nitrogen and phosphorus from all sources or the maximum amount of nitrogen and phosphorus from manure, litter, or process wastewater are CAFO specific permit terms. Any change to these terms, i.e., any increase to the outcome of the field-specific risk assessment and any change to the maximum amount of nitrogen and phosphorus, regardless of the field location, are considered substantial changes that require a permit modification. [40 CFR 122.42(e)(6)(iii)(B)]

EPA recommends that the draft guidance identify the addition of any new land application area as a substantial change regardless of its location or the approach used to address the rates of application. EPA also recommends that the draft guidance not limit other substantial changes to only fields within a SWQMA.

As discussed above, all changes to nutrient management plans should be submitted to the permitting authority for review prior to implementation of the change. It is during this review that the permitting authority would consider if a change to a site-specific component of the nutrient management plan is likely to increase the risk of nitrogen and phosphorus transport to waters of the U.S. The federal rules consider such a change to the nutrient management plan that is likely to increase the risk of pollutant transport a substantial change. [40 CFR 122.42(e)(6)(iii)(D)] The list of substantial changes in the draft guidance limits changes that are likely to increase the risk of pollutant transport to only changes related to implementation of new technologies for manure and process wastewater application. As discussed in the preamble to the 2008 federal rule [73 FR 70453] there are many changes that could alter the outcome of a field-specific risk assessment thereby triggering a substantial change.

EPA recommends that the language in the draft guidance be broadened to include other changes to site-specific components of the nutrient management plan that are likely to increase the risk of pollutant transport as a substantial change beyond implementation of new technologies.

Please let me know if you have any questions or would like to discuss.

Julianne Socha
NPDES Programs Branch, Section 2
Water Division, US EPA, Region 5
312-886-4436
socha.julianne@epa.gov

From: Bauman, Thomas S - DNR [Thomas.Bauman@Wisconsin.gov]
Sent: Wednesday, March 20, 2013 3:12 PM
To: Socha, Julianne
Cc: Craig, Andrew D - DNR; Lowndes, MaryAnne - DNR; Biersach, Pamela A - DNR
Subject: CAFO NMP Guidance

Julianne,
Per my recent phone call, I'm forwarding you a copy of draft guidance WDNR has created to address public noticing of substantial modifications to CAFO nutrient management plans under the WPDES/NPDES permit program. We look forward to working with you and hope to come to a resolution on the guidance by April 19th before taking the guidance out for broader review. If you have any questions or comments, please contact me at (608) 266-9993. Thank you!

Tom Bauman
Agricultural Runoff Program
Wisconsin Department of Natural Resources
(☎) phone: (608) 266-9993
(☎) fax: (608) 267-2800
(✉) e-mail: thomas.bauman@dnr.state.wi.us

