

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
PUBLIC NOTICE OF INFORMATIONAL HEARING AND INTENT TO MODIFY A WISCONSIN  
POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT No. WI-0063959-01-2

Permittee: Rosendale Dairy LLC, N8997 County Road M, Pickett, WI 54974

Facility Where Discharge Occurs: Rosendale Dairy LLC, Sec. 9, T16N, R15E, Town of Rosendale, Fond du Lac County, Wisconsin

Receiving Water and Location: West Branch of Fond du Lac River and Groundwaters of the West Branch of the Fond du Lac River Basin

**Brief Facility Description:** Rosendale Dairy is a WPDES permitted dairy. The current permit, issued for Phase I of the operations, limits the number of cattle to a maximum of 4000 dairy cows and 150 beef cattle (maximum of 5,750 Animal Units or AUs). Phase I of the operation included construction of a freestall barn, a milking parlor with one 80-cow rotary milker, manure handling equipment and storage, feed storage, leachate collection and storm water basins. The operation is located at N8997 County Highway M, Pickett, WI 54964, in Section 9, Town of Rosendale, Fond du Lac County.

Rosendale Dairy has requested modifications to the permit to account for Phase II of their operation in order to increase animal numbers at the site to 8,000 milking cows and 300 beef cattle (11,500 AUs). The proposed increase in the maximum allowable number of animal units is based upon the amended nutrient management plan which increases the available landspreading acreage. Phase II of the operation will include the addition of a second freestall barn and a second 80-cow rotary milker to house and milk the additional animals. No structures requiring DNR approval will be constructed as part of Phase II.

**Proposed Modifications:** Only the following items are being modified and subject to public comment; (1) increase in the maximum allowable number of animal units at the site to 11,500 AUs and the changes to the nutrient management plan which increases the landspreading acreage, (2) allowance for reduced monitoring frequency for parameters associated with the groundwater monitoring system around the production area and (3) a compliance schedule for evaluating process wastewater and storm water discharges to the North Feed Pond. A more detailed description of the proposed changes is included in the Fact Sheet for this modification.

Basin Engineer: Elizabeth Spaeth Werner, 625 E County Road Y, Suite 700, Oshkosh, WI 54901, (920) 303-5426, elizabeth.spaethwerner@wisconsin.gov

The Department has tentatively decided that the above specified WPDES permit should be modified to account for the proposed expansion at Rosendale Dairy.

Limitations and conditions which the Department believes adequately protect the receiving water are included in the proposed permit.

As part of the issuance process for Rosendale Dairy's original WPDES permit, the Department completed an Environmental Impact Statement (EIS) on February 27, 2009, in compliance with Wisconsin Environmental Policy Act (WEPA), s. 1.11, Wis. Stats., and ch. NR 150, Wis. Adm. Code. The EIS is available on the Department web-site at: <http://dnr.wi.gov/runoff/ag/permits.htm> - click on the "Statistics" tab to access the previously completed EIS. The EIS evaluated potential environmental impacts associated with both Phase I and Phase II of the Rosendale Dairy project. The Department has reviewed the proposed modifications to Rosendale Dairy's Nutrient Management Plan, including the addition of landspreading acreage associated with the proposed expansion to 11,500 AUs, and has determined that potential impacts associated with these modifications and modifications to the permit itself are addressed by the February 27, 2009, EIS. Therefore, the Department is proposing no further action under ch. NR 150, Wis. Adm. Code.

**Hearing Date, Time, and Location:** Thursday, December 3, 2009, 5 PM, Royal Ridges, 1 Westgate Drive (just off W. Fond du Lac St. which is also known as Hwy 23/49), Ripon, WI 54971

The Department of Natural Resources, pursuant to Section 283.49, Wisconsin Statutes, has scheduled for the time and place listed above, a public hearing for the purpose of giving all interested persons an opportunity to make a statement with respect to the above announced permit action for this existing operation.

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

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

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

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

Persons wishing to comment on or object to the proposed permit action are invited to do so by attending the public hearing or by submitting any comments or objections in writing to the Department of Natural Resources, at the above named basin engineer's address. All comments or suggestions received from members of the public no later than December 10, 2009, will be used, along with other information on file and testimony presented at the hearing, in making a final determination. Where designated as a reviewable surface water discharge permit, the U.S. Environmental Protection Agency is allowed up to 90 days to submit comments or objections regarding this permit determination.

Information on file for this permit action, including the draft permit, Nutrient Management Plan for the operation and fact sheet (if required), may be inspected and copied at the above named basin engineer's office, Tuesday through Friday (except holidays), between 8:15 a.m. to 1:00 p.m and 2:00 p.m. to 4:00 p.m. Please call the Oshkosh Service Center at 920-424-3050 for directions to their office location, if necessary. Information on this permit action may also be obtained by calling the basin engineer at (920) 303-5426 or by writing to the Department. Information on how to obtain information on the Nutrient Management Plan is available on the Department web-site at: <http://dnr.wi.gov/runoff/ag/permits.htm> - click on the "Statistics" tab. Reasonable costs (usually 20 cents per page) will be charged for copies of information in the file other than the public notice and fact sheet. Permit information is also available on the internet at: <http://dnr.wi.gov/org/water/wm/ww>. Pursuant to the Americans with Disabilities Act, reasonable accommodation, including the provision of informational material in an alternative format, will be made to qualified individuals upon request.

PUBLISHING NEWSPAPERS: The Reporter, PO Box 630, Fond du Lac, WI 54935-0630; Oshkosh Northwestern, 224 State St., Oshkosh, WI 54901-2926  
Date Notice Issued: November 3, 2009