

DATE: May 1, 2007

TO: Bob Baczynski, RMT Representative
Tom Baumann, RM Central Office Coordinator

FROM: Dan Helsel, Western Rivers Basin Leader

SUBJECT: Richard Kulas Manure Run-off Incidents
T20N, R10W, Sec 35, NW NW

For a number of years, the department has been involved with a chronic discharge of manure from Mr. Kulas barnyard in Trempealeau County (See Kulas nod.pdf file attached to email). I have been involved with the facility since the fall of 2006. I need your assistance with the following items:

1. Assistance in determining if this facility meets the definition of a Category I discharge;
2. Assistance in determining appropriate steps toward compliance (referral, citation, cost-share offer);
3. Consideration for funding cost sharing actions at this facility to stop the discharge.

1. Category I Discharge

On Monday, April 30th, 2007, Warden John Collison and I were allowed to conduct a site inspection of Kulas facility. Helsel took a number of photos as we walked around the barnyard. The ~18,000 s.f. barnyard slopes and directs flow toward two culverts (Figure 1), one to the south and one to the north.

Runoff entering the southern culvert (Photo 1), drains to the south, down the hillside and intersects with the town road, roadside ditch. A culvert beneath the town road, drains the runoff toward the south and toward an unnamed tributary (WBIC 1774100) to the Trempealeau River. This culvert was plugged and during a runoff event in early April, manure pooled in the roadside ditch and onto the town road. Helsel documented the manure spill in his memo to Tom Kendzierski dated April 6, 2007 (Attachment A).

Runoff entering the northern culvert (Photo 2) drains to the north, down a hillside and into an unnamed tributary (WBIC 1773800) to the Trempealeau River. The runoff flows down the hillside in a deeply incised channel (Photo 3) and then spreads out. Historic deposits of runoff from the barnyard is evident down gradient of the culvert (Photo 4). During runoff events, the flow from the culvert is channelized and reaches the stream as documented by Wardens Collison and Brondson on 3/30/07 (Attachment B - Collison CAR)

2. Compliance Steps

In the fall of 2006, Warden Jumbeck responded to a hotline tip of manure runoff from Kulas facility entering the stream. Water quality samples were not sent to the SI.OH, but Jumbeck did observe what he characterized as manure runoff entering the stream to the north. Subsequent to that runoff event, Warden Collison and Helsel visited Mr. Kulas and encouraged him to work with the Trempealeau County LCD or the NRCS toward resolving the runoff issue. Helsel and Collison indicated that unless Kulas was working with an agency or a private consultant to mitigate the runoff discharges, a citation may be issued if a deleterious discharge was documented. In the spring of 2007, Wardens Collison and Brondson documented a discharge from the Kulas

barnyard that reached the unnamed creek (Attachment B). Helsel has reviewed the water quality sampled collected by Warden Collison and Brondson and determined the discharge to be deleterious (Table 1).

3. Consideration for Funding

Helsel is requesting that DATCP NOD funding be made available to Mr. Kulas to correct his direct runoff to the unnamed stream. In 2001, Peter Wurzer, from the DATCP, estimated the lowest cost system to correct discharges from the Kulas facility to be \$85,000. However, in September 2006, Kulas poured approximately 240 yds of concrete and this cost may be reduced if modifications can be incorporated into the existing barnyard. The Trempealeau River has the highest concentrations of phosphorus among all the DNR Long-term Trend sites. A synoptic survey for key sub-watersheds within the Trempealeau River drainage basin is planned to start in July 2007. Pre and post monitoring will be conducted when corrective actions are undertaken at this facility.

Figure 1.

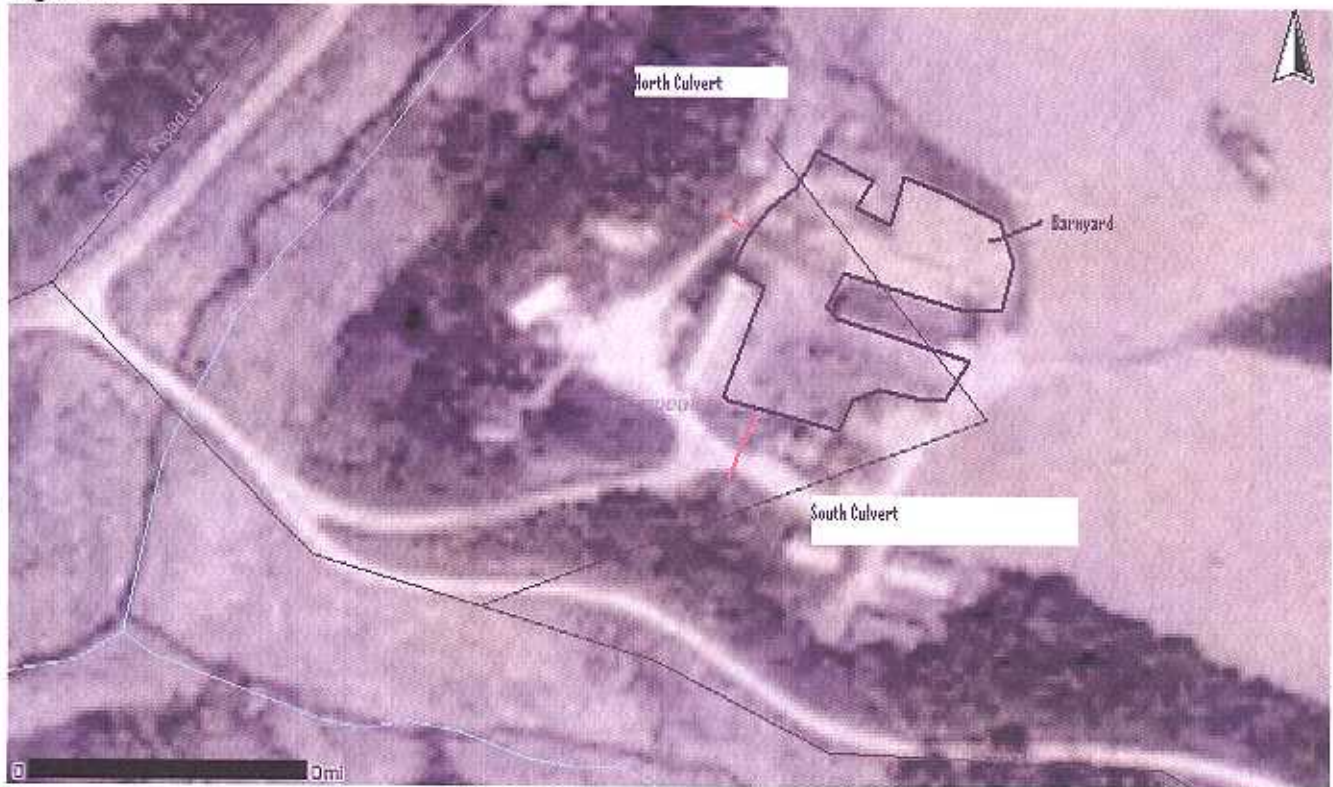


Photo 1.



Photo 2.



Photo 3.



Table 1.

Kulas 3-30-07	Upstream Creek	Runoff Discharge
BOD	5.5	2580
Alkalinity	278	779
Conductivity	643	2930
pH lab	8.13	6.58
Ammonia	0.172	159
N03 + N02	1.31	1.76
TKN	2.01	NA
Phosphorus (total)	0.652	79.9
Suspended solids	109	ND
Enterococci	7230	48840

Attachment A

DATE: April 6, 2007

TO: Tom Kendzierski, WCR spill coordinator

FROM: Dan Hiesel,
Western Rivers Basin Supervisor

SUBJECT: Richard Kulas Manure Spill
T20N, R10W, Sec. 35, NWNW

During the afternoon of 4/3/07, Dan Helsel, Watershed Program Supervisor for the Western Rivers Basin, received a phone message from Ron Tuschner, Town of Arcadia Chairman, reporting a manure spill on Jaszewski Lane, a town road. At approximately 1600, Helsel returned Tuschner phone call. Tuschner reported to Helsel that there was a manure spill discharging from the Kulas property and pooling on Jaszewski Road and in the roadside ditches. Tuschner reported that the northern roadside ditch was overtopping with manure and discharging onto the roadway. Tuschner reported that he believed there was an urgent human health and safety issue with the manure pooling on the road and in the roadside ditches. Helsel is familiar with the Kulas property and knew that the roadside ditches along Jaszewski Road, direct flow, to the west and toward two unnamed streams. Helsel indicated to Tuschner that he would contact Tom Kendzierski, WCR spill coordinator, for assistance. Helsel then finished his conversation with Tuschner, and at approximately 1630 contact Kendzierski.

After describing the manure spill to Kendzierski, Kendzierski indicated to Helsel that this would be considered a spill and that DNR resources from the spill account would be sought after to assist the Town in abating the human health and safety risks as well as the risks of contamination to the two unnamed waterways down gradient from the roadside ditches. Kendzierski indicated that he would contact Kulas and discuss the spill clean up with him. Kendzierski asked Helsel if he could assist with the Town with clean up efforts. Between 1700 and 2000, Helsel talked with Tuschner about plans to abate the spill. Tuschner indicated that he would arrange for an excavator and dump trucks to be at the site at 0730 on Wednesday, April 4, 2007. Helsel confirmed he would be on site to assist.

Helsel arrived at the Kulas spill site at 0730, approximately at the same time Tuschner. Helsel observed manure spilled onto Jaszewski Lane and pooling in the northside roadside ditch. Helsel took photographs of the manure spilled on to the roadway and within the ditches. The manure in the north roadside ditch was approximately 190 feet up-gradient from a road culvert located near the driveway to Kulas property. The outlet from that culvert was approximately 130 feet from the unnamed stream to the west and 130 feet from the unnamed stream to the south. There was a plugged culvert where the main discharge of manure occurred and where the manure was spilling onto the town roadway. The unnamed stream to the south was approximately 100 feet down gradient from the plugged culvert and from the manure spilled onto the roadway.

At approximately 0800 two town dump trucks and a excavator owned by a private contractor arrived at the site. Discussion occurred between the town representatives, employees, the private contractor, Tuschner, and Helsel about how to remove and dispose of the manure to prevent discharge to the unnamed stream during the next rain event. Helsel discussed making sure that abatement actions did not increase the risk of the manure to contaminate the waterways. When Helsel left the site at approximately 0930, he understood that Tuschner had coordinated 1) the use of the private contractor's excavator to remove frozen/solid manure and maintain the roadside ditch, 2) the use of a town fire truck to unplug the roadway culvert and 3) the use of a private septic hauler to remove the liquid manure. At the time Helsel left, there was no decision where the manure would be disposed. At no time did Helsel observe Kulas visit the manure spill.

Photographs



Figure 1. Photo of manure running down hillside on 3.30.07 (taken by Warden Brondson)

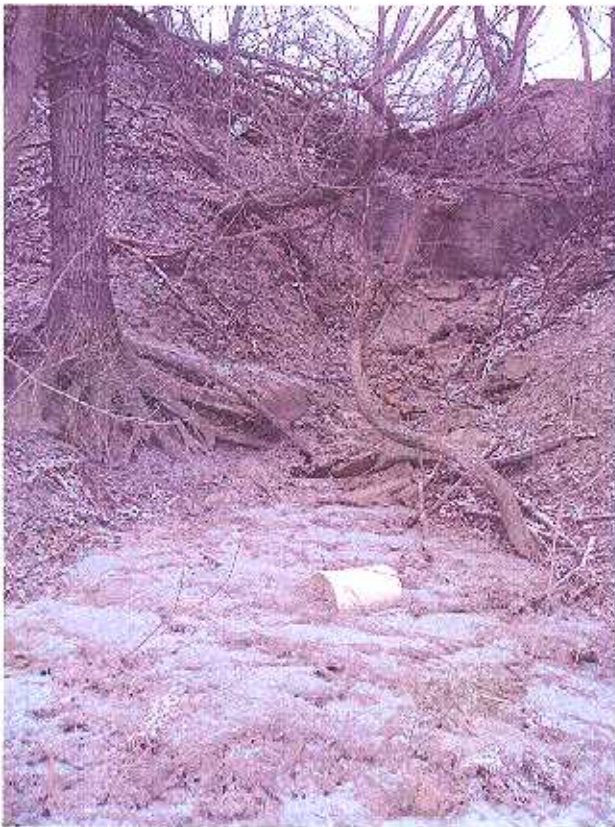


Figure 2. Shows manure pooling at base of hillside on 4.4.07 (Hesel)



Figure 3. Manure pooled in roadside ditch on north side of Jaszewski lane, looking west. There was also a discharge of concrete down the hillside into the roadside ditch (Helsel).



Figure 4. Manure pooled in roadside ditch on north side of Jaszewski land, looking east (Helsel).



Figure 5. Manure pooled on roadway (Helsel)



Figure 6. Excavator working to remove frozen and solid portions of manure from roadside ditch (Helsel)



Figure 7. Excavator working to remove frozen and solid manure from areas where the manure was pooled on roadway

Attachment B

CASE ACTIVITY REPORT
Form 4100 160

R 6/02

State of Wisconsin
Department of Natural Resources
Law Enforcement

Case Number 07-C247-003.ajc	Case Title Richard Kulas Farm	
Activity Water pollution	Date of Activity 03-30-07	

Narrative¹

On 03-30-07 Warden Collison received a request from Department of Natural Resource Supervisor Dan Helsel to take water samples from run off occurring at the

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Warden Reporting	Date of Report	Exhibit Reference
John Collison	04-23-07	

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Richard Kulas farm at W29892 Cty. JJ, Arcadia, WI 54612. The Kulas farm was the site of an ongoing investigation for water pollution from discharge of manure from a livestock operation into the waters of the State.

Warden Collison was assisted by Warden Jon Bronsdon that day. The Wardens arrived at the Kulas farm at approximately 10:00 A.M. in Collison's assigned vehicle. The wardens were in full uniform but wearing rain coats as it was raining at the time.

Collison observed discolored and smelly discharge flowing down the bank from the livestock operation and pooling into the ditch along Jaszewski Lane. The discharge did not appear to be going into the stream from South side of the operation as a culvert appeared plugged. The discharge was photographed by Wardens.

Wardens then went to the North side of the Kulas operation to the site of previous discharges. Warden Collison observed a foul smelling discharge flowing down the hill from the livestock operation. The discharge flowed directly into a small stream that flows south alongside County Highway JJ on the Richard Kulas property. The stream appeared dirty where the discharge entered the stream. Warden Bronsdon photographed the scene.

Warden Collison took samples of the discharge and the stream with a Department provided sample kit. The location and time of the samples were documented as follows; Samples K1 were taken at the discharge before it entered the stream at 10:32 A.M. Samples U2 were taken in the stream at 10:39 A.M. approximately 20 feet upstream of the discharge entry point.

Wardens then departed the scene and met Dan Helsel at Galesville to transfer the samples to his custody. The samples were put on ice and custody of the samples was transferred to Helsel at 11:49 A.M. on 03-30-07.

Photos of 03-30-07 Discharge taken by Warden Bronsdon

