STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

NOTICE OF FINAL DETERMINATION TO ISSUE A WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT No. WI-0067409-01-0

Permittee: Rob-n-Cin Farms LLC, 5545 County Road Y, West Bend, WI, 53095

Facility Where Discharge Occurs: Rob-n-Cin Farms LLC

5545 County Road Y, West Bend, WI 53095; S25 T11N R20E, Township of Trenton, Washington County

2141 W Center Road, Saukville, WI 53080; NE ¼ NW ¼ S22 T11N R21E, Township of Saukville, Ozaukee County

2314 W Hawthorne Drive, Saukville, WI 53080; SE ¼ SE ¼ S4 T11N R21E, Township of Saukville, Ozaukee County

Receiving Water And Location: Unnamed Tributaries within the Cedar Creek Watershed, Lake Michigan Drainage Basin and groundwaters of the state

Brief Facility Description: Rob-N-Cin Farms LLC is a new Concentrated Animal Feeding Operation in Washington County, WI. Rob-N-Cin Farms is owned and operated by Robert Roden and Family. As of March of 2025, it has 930 milking and dry cows, 580 heifers, 50 steers, and 150 calves (1,895 animal units). Rob-N-Cin Farms plans to expand to 2,925 animal units (1,600 milking &dry cows, 660 heifers, 160 calves, and 50 steers) by 2030. Rob-N-Cin Farms will annually generate approximately 12,160,743 gallons of liquid manure and process wastewater and 3,237 tons of solid manure. After the expansion, Rob-N-Cin Farms will generate 18,983,203 gallons of manure and process wastewater and 4,363 tons of solid manure. As of May 2025, Rob-N-Cin Farms currently has greater than the required minimum of 180 days of storage for the current animal herd. After construction of WSF 3 is complete, Rob-n-Cin Farms will have greater than 180 days of storage for the proposed animal herd. Rob-N-Cin Farms has 3,229 acres in its approved nutrient management plan, of which 2,618 acres are rented or in contract agreements and 611 acres are owned. Rob-n-Cin Farms has 3,203 acres available for land application.

Permit Drafter's Name, Address and Phone: James Salscheider, DNR, 2984 Shawano Ave, Green Bay, WI, 54313, (920) 367-3007

Date Permit Signed/Issued: October 1, 2025
Date of Effectiveness: October 1, 2025
Date of Expiration: September 30, 2030

Public Informational Hearing Held On: December 16, 2024, and August 4, 2025

Following the December 16, 2024, and August 4, 2025 hearings, as well as the two associated public notice periods the department has made a final determination to issue the WPDES permit for the above-named permittee for this new discharge. The permit application information from the WPDES permit file, comments received on the proposed permit and applicable Wis. Adm. Codes were used as a basis for this final determination.

The department has the authority to issue, modify, suspend, revoke and reissue or terminate WPDES permits and to establish effluent limitations and permit conditions under ch. 283, Stats.

Following is a summary of significant comments and any significant changes which have been made in the terms and conditions set forth in the draft permit:

Summary of Significant Changes:

No significant changes were made to WPDES Permit No. WI-0067409-01-0. Dates were changed to reflect the new issuance date of October 1, 2025.

Comments Received from the Applicant, Individuals or Groups and Any Permit Changes as Applicable
Comment: The department received multiple comments and requests to require Rob-n-Cin Farms LLC to submit written agreements with landowners to verify that Rob-n-Cin Farms LLC has permission to include fields in the nutrient management plan that are not under common ownership with Rob-n-Cin Farms LLC.

Response: During reviewing the nutrient management plan, the department did not find significant cause to require Rob-n-Cin Farms LLC to submit written manure agreements to the department to verify the land base.

Comment: Several landowners have contacted us stating they gave no such permission, and this information has been provided by email. At a minimum, these contracts/agreements must clearly state: the landowner's name, field names by landowner, length of contract/agreement, and that the farm has permission to land apply manure.

Response: The department notified Rob-n-Cin Farms LLC of three fields that were brought to the department's attention. Rob-n-Cin Farms was unaware of the issues, consulted with the landowner, and removed three fields from the nutrient management plan.

Comment: The department received many comments and requests for an Environmental Impact Statement and Environmental Analysis Questionnaire to be completed prior to issuing the WPDES permit.

Response: This WPDES permit action is an integrated analysis action under s. NR 150.20(2), Wis. Adm. Code, and does not require a separate environmental analysis process. The department has complied with ch. NR 150, Wis. Adm. Code, and s. 1.11, Stats. Rob-n-Cin Farms LLC was determined to be an existing source CAFO due to being an existing animal feeding operation on the site prior to April 14, 2003, as defined in s. NR 243.03(23). Due to being an existing source CAFO, Rob-n-Cin Farms LLC was not required to submit an environmental analysis. The documents and information listed below were used as part of the DNR's processing of the permit application and supporting the integrated analysis determination:

- The WPDES final permit application package
- A stormwater Construction Site Notice of Intent; Permit coverage was issued on May 23, 2024. As part of the intake process, the project area was screened for natural heritage inventory (NHI), Areological/historical impacts, and wetland/hydric soils. All screenings were clear or have been cleared.
- The DNR's conditional approval of high-capacity wells (23227 and 23228). Prior to approval, each high capacity well application was reviewed to the extent prescribed under s. 281.34 Wisconsin Statue and Ch. NR 812, Wisconsin Administrative Code.
- Plans and Specifications were submitted for the following proposed structures: WSF 3 (approved on March 29, 2024), feed storage area runoff controls (approved on March 29, 2024), solid manure stacking pad (approved on September 20, 2024), and a separated solids storage location (approved on July 10, 2025).
- Evaluations were submitted for the following existing structures: WSF 1, WSF 2, FSA 1, FSA 3, and waste transfer systems at Rob-n-Cin Farms LLC. The DNR's review of the engineering evaluations was finalized on October 16, 2024. Actions required as a result of the review are included in the compliance schedules found in the permit.
- Conditional NMP Approval (May 27, 2025) of the permittee's Nutrient Management Plan.
- WPDES Permit Application Documents, Engineering Plans & Specifications, Engineering Evaluations, Nutrient Management Plan, and Enforcement Documentation. These documents are available online at:
- Permit Application Document Set: https://permits.dnr.wi.gov/water/SitePages/DocSetView.aspx?DocSet=AG-APP-SE-2025-67-X03-21T20-39-48&Loc=undefined
- 5-Year NMP Document Set: https://permits.dnr.wi.gov/water/SitePages/DocSetViewDet.aspx?DocSet=AG-NMP-SE-2025-67-X03-21T20-39-48
- Engineering Application Document Set: https://permits.dnr.wi.gov/water/SitePages/DocSetViewDet.aspx?DocSet=AG-PNS-SE-2025-67-X03-21T20-39-48

Comment: While the WPDES permit analysis and framework does not consider the impacts to surface water, the Rob-N-Cin Farm is sited within the Milwaukee River Basin TMDL and the addition of 17 million gallons of manure (by 2028) may pose a threat to the investments made to improve water quality. SRWN recommends the DNR, working with Bob Roden and Clean Farm Families, consider the impacts of Rob-N-Cin's manure on the Milwaukee River TMDL and make necessary adjustments to the NMP to ensure Rob-N-Cin's manure isn't causing additional pollution in the Milwaukee River TMDL.

Response: While adding additional animals at Rob-n-Cin Farms LLC will increase waste generation, it will also increase the department's regulatory oversight at the facility. Requirements in NR 243 Wis. Adm. Code creates a zero-discharge policy, unless specific precipitation circumstances apply, for production sites at Concentrated Animal Feeding Operations, requiring more control and collection of runoffs at the production site, including the feed storage area and calf hutch area. Rob-n-Cin Farms will be required to upgrade the runoff controls for both to meet permit requirements.

With permit coverage, Rob-n-Cin Farms LLC will be required to more meticulously manage phosphorus levels within fields to not be in excess. As stated in NR 243.14(5), the permittee must minimize the delivery potential of phosphorus to waters of the state from fields by applying manure and process wastewater in accordance with methods set forth within NR 243.14(5), this includes land within the Milwaukee River watershed. Additionally, the department will have nutrient management oversight with WPDES permit requirements to ensure compliance with NR 243 Wis. Adm. Code.

Comment: We're particularly demanding that the DNR prohibit any liquid manure spreading on the Meyer and Wollner Fields because they pose the greatest direct threat to our neighborhood wells.

- Within 200 feet of multiple family wells that serve households with families
- Located where waterflow charts show drainage directly toward our water sources

- Situated on soils that don't adequately filter contaminants before they reach groundwater
- In an area with shallow, fractured bedrock that allows rapid contamination of our aquifer

Response: The permit and the practices set forth in the nutrient management plan are designed to mitigate nutrient loss to surface water and groundwater. The proposed permit reflects the best management practices and nutrient management planning requirements in ch. NR 243, Wis. Adm. Code, designed to minimize impacts to surface and groundwater quality and avoid exceedances of water quality standards. CAFO manure applications are prohibited within 100 feet of private wells and 1,000 feet of a community well, as defined in ch. NR 811, Wis. Adm Code.

Comment: Several of the spreading fields, including the Birchwood and Hulk Fields, flow directly into the Cedarburg Bog State Natural Area - one of Wisconsin's most precious natural resources and a globally rare ecosystem that's been protected since 1952. Spreading 19 million gallons of liquid manure annually in areas that drain into the Bog will cause irreversible nutrient pollution and destroy this irreplaceable natural heritage that belongs to all Wisconsin residents.

Response: The permit and the practices set forth in the nutrient management plan are designed to mitigate nutrient loss to surface water and groundwater. The proposed permit reflects best management practices and nutrient management planning requirements in ch. NR 243, Wis. Adm. Code, designed to minimize impacts to surface and groundwater quality and avoid exceedances of water quality standards. CAFO manure applications are prohibited within 100 feet of private wells and 1,000 feet of a community well, as defined in ch. NR 811, Wis. Adm Code.

Comment: The DNR should make sure that these farmers will not be spreading manure near wells, wetlands and homes. You should also require monitoring of surface and ground water where manure is being spread. You should ensure that there will not be run off into creeks and wetlands that feed into the Milwaukee River.

Response: The permit and the practices set forth in the nutrient management plan are designed to mitigate nutrient loss to surface water and groundwater. The proposed permit reflects best management practices and nutrient management planning requirements in ch. NR 243, Wis. Adm. Code, designed to minimize impacts to surface and groundwater quality and avoid exceedances of water quality standards.

The DNR does not require in-stream monitoring under the CAFO WPDES permit program. There are practical limitations on requiring discharge monitoring from CAFO production areas and land application areas (e.g., unpredictable nature of potential discharges associated with precipitation events, challenges in obtaining representative samples at appropriate locations). In lieu of discharge monitoring, the CAFO WPDES permit program requires that permittees implement best management practices to avoid discharges that could cause exceedances of surface water, groundwater and wetland water quality standards. For example, in addition to conducting inspections of their production area, permittees must submit design plans for proposed reviewable structures and evaluations of existing structures for DNR approval. For land application areas, in addition to sampling manure, process wastewater and soil, permittees must submit a nutrient management plan for DNR approval that complies with the landspreading practices contained in ch. NR 243 and their WPDES permit.

Comment: Scientific studies show manure application significantly increases microbial leaching into groundwater, with contamination persisting for more than 93 days after application. Our area's shallow soils with silty-clay characteristics and fractured bedrock create conditions that "promote very rapid groundwater transport," making us particularly vulnerable to contamination that can reach our wells within days of application.

Response: Existing environmental issues in the area are not a basis for denial of a WPDES permit.
WPDES permit conditions are intended to protect private wells and groundwater from becoming impacted from land spreading activities. The operation's WPDES permit and associated nutrient management plan contains conditions designed to protect groundwater quality. Examples of these conditions include:

- Manure or process wastewater may not be applied within 100 feet of a direct conduit to groundwater.
- Nutrients shall not be spread within 200 feet upslope of direct conduits to groundwater unless the nutrient is effectively incorporated within 48 hours
- No manure application within 100 feet of direct conduits to groundwater (sinkholes, private wells)
- No causing fecal contamination of water in a well.
- No application on fields with soils that are 60 inches thick or less over fractured bedrock when ground is frozen or where snow is present.
- No application when snow is actively melting.
- No application on areas of fields that have less than 24 inches of soil to bedrock.
- Field verification procedures include ground depth evaluations on fields with mapped shallow soils. A detailed protocol for determining bedrock depth on fields with such soils is outlined in the NMP. All fields must be evaluated before applying manure.
- The operation is required to have an emergency response plan to help avoid impacts associated with spills.

The DNR recommends private well owners sample their well water on an annual basis for nitrate and bacteria. Information about well testing is available through the DNR website at https://dnr.wi.gov/topic/wells/privatewelltest.html. Additional information is available at https://dnr.wi.gov/topic/Wells/homeowners.html and https://dnr.wi.gov/topic/DrinkingWater/Manure.html.

Homeowners with levels of nitrates or other contaminants in exceedance of state drinking water standards should contact their local DNR private water supply specialist. If a homeowner suspects their well is contaminated with manure, they should immediately contact a regional DNR Private Water Supply specialist (see list at https://dnr.wi.gov/topic/Wells/PrivateWaterSupply.html) or CAFO specialist (see contact map at https://dnr.wi.gov/topic/AgBusiness/CAFO/Contacts.html) to investigate the source of contamination. Where the source of the contamination can be identified, the DNR will determine the appropriate enforcement response. In some cases, the DNR can provide an emergency source of water, technical assistance for well treatment or replacement options and/or financial assistance for well replacement.

Comment: The department received a number of comments related to groundwater contamination from land application practices and impacts to private wells in the surrounding area.

Response: The Department believes adherence to permit requirements, including production area discharge limitations, implementation of an NMP and development of an emergency response plan, will mitigate exceedances of groundwater standards.

The DNR recommends private well owners sample their well water on an annual basis for nitrate and bacteria. Information about well testing is available through the DNR website at https://dnr.wi.gov/topic/wells/privatewelltest.html. Additional information is available at https://dnr.wi.gov/topic/Wells/homeowners.html and https://dnr.wi.gov/topic/DrinkingWater/Manure.html.

Homeowners with levels of nitrates or other contaminants in exceedance of state drinking water standards should contact their local DNR private water supply specialist. If a homeowner suspects their well is contaminated with manure, they should immediately contact a regional

DNR Private Water Supply specialist (see list at https://dnr.wi.gov/topic/Wells/PrivateWaterSupply.html) or CAFO specialist (see contact map at https://dnr.wi.gov/topic/AgBusiness/CAFO/Contacts.html) to investigate the source of contamination. Where the source of the contamination can be identified, the DNR will determine the appropriate enforcement response. In some cases, the DNR can provide an emergency source of water, technical assistance for well treatment or replacement options and/or financial assistance for well replacement.

Comment: I know a number of farms who have had their water access affected by other farms scale ups. As a vegetable operation we irrigate all of our crops and having our water quality drop or become unsafe could cost us dearly.

Response: The Department does not regulate water quantity issues as part of the CAFO WPDES permit. Water quantity issues are addressed by the DNR's Bureau of Drinking Water and Groundwater under the high capacity well permit program for a well that individually, or wells on the same property that in combination, have the capacity to withdraw more than 100,000 gallons per day. Based on water usage at Rob-n-Cin Farms, has obtained a high-capacity well permit. The Bureau of Drinking Water and Groundwater reviews each application for a new high capacity well to determine whether well water withdrawals, along with other wells on the same property, would result in impacts to area groundwater and surface water – which includes all streams, lakes, wetlands and public and private wells. Well construction details and pumpage reporting for all registered wells can be located on the high capacity well database at: https://dnr.wi.gov/wateruse/pub_v3_ext/source/. More information on high-capacity wells can be found at: https://dnr.wi.gov/topic/Wells/HighCap/.

Private well information is available on the DNR web site at https://dnr.wi.gov/topic/Wells/homeowners.html. If a well owner is concerned that a change in activities could impact their well, then it would be important for them to document the existing conditions.

Comment: A number of comments expressed concern about impacts to water quality (surface waters, groundwater and wetlands) and recreational opportunities due to the current operation and proposed expansion.

Response: The WPDES permit program includes a number of review processes and permit conditions to protect water quality and avoid spills. The WPDES permit contains permit conditions that protect surface waters, groundwater and wetlands that are consistent with ch. NR 243, Wis. Adm. Code, the code that establishes permit requirements for CAFOs throughout the state.

For the production area, the DNR reviews design plans and specifications for reviewable facilities and evaluates existing structures to help ensure proper design of manure/process wastewater storage and handling structures/systems. In addition, WPDES permits:

- Prohibit production area discharges to navigable waters, except under very limited circumstances (i.e., the discharge is the result of an overflow from a properly designed facility and the permittee has complied with the inspection, maintenance and record-keeping requirements). In the unlikely event an authorized discharge did to occur, the permit still requires that the discharge complies with surface water quality standards.
- Require compliance with water quality standards, groundwater standards and prohibit impairments of wetland functional values
- Require 180 days of storage for liquid manure
- Require periodic self-inspections
- Include proper operation and maintenance actions
- Require development of an emergency response plan for both production and land application areas

For land application areas, permittees must develop a nutrient management plan (NMP) that complies with ch. NR 243 and the permittee's WPDES permit. The NMP outlines how, when, where and in what amounts manure and process wastewater from the operation will be land applied on area cropland. CAFO WPDES permits require that operations have adequate land base to land apply their manure and process wastewater. NMP requirements for land application of manure and process wastewater include:

- Manure or process wastewater may not be applied within 100 feet of a direct conduit to groundwater
- Nutrient shall not be spread within 200 feet upslope of direct conduits to groundwater unless the nutrient is effectively incorporated within 72 hours (NRCS 590)
- No manure application within 100 feet of direct conduits to groundwater (sinkholes, private wells) • Prohibiting the fecal contamination of water in a well
- No application on fields with soils that are 60 inches thick or less over fractured bedrock when ground is frozen or where snow is present
- No application when snow is actively melting
- No application on areas of fields that have less than 24 inches of soil to bedrock. Field verification procedures include ground depth evaluations on fields with mapped shallow soils. A detailed protocol for determining bedrock depth on fields with such soils is outlined in the NMP. All fields must be evaluated before applying manure
- All applications of manure and other nutrient sources must be consistent with UW crop recommendations (A2809), applicable sections of NRCS 590 and NR 243 land application requirements. The UW recommendations are written to avoid over-application of nutrients (Nitrogen and Phosphorus) above crop demand.
- Phosphorus-based nutrient management planning

Taken together, NMP requirements help:

- Maximize use of available nutrients for crop production;
- Prevent delivery of manure and process wastewater to waters of the state;
- Minimize loss of nutrients to waters of the state to prevent exceedances of surface and ground water quality standard;
- Prevent impairment of wetland functional values;
    - Retain land applied manure on the soil where they are applied with minimal movement.

Comment: The department received several comments expressing concerns of odor and air quality concerns, including greenhouse gas emissions, ammonia, hydrogen sulfide, and other odors that affect recreation and people being outside.

Response: The WPDES permit program is a water quality protection program and permit and does not address air emissions or odor issues from CAFOs. The DNR has limited authority to regulate air emissions and odor from livestock operations. Information on the DNR's Air Program's efforts to address air emissions from livestock operations is located on the DNR's website at https://dnr.wi.gov/topic/airquality/toxics.html.

The DNR has completed environmental analyses for many CAFO WPDES permit-related actions in the past. This includes the Environmental Assessment for the Large Dairy CAFO General Permit which can be found at http://dnr.wi.gov/topic/AgBusiness/documents/LargeDairyCAFOGP-EnvironmentalAssessment.pdf. This document provides additional information related to projects such as this one, including information related to emissions from larger-scale livestock operations.

Comment: Have DNR provide an education seminar so citizens know when something isn't right and can report to 800 number.

Response: Information regarding WPDES CAFO Permit requirements can be found on the WDNR website, located here: CAFO | Wisconsin DNR. The DNR's Violation Hotline provides Wisconsin citizens with the opportunity to

confidentially report suspected wildlife, recreational and environmental violations using a toll-free number. The hotline number is: 1-800-847-9367. The Violation Hotline is staffed 24 hours a day, 7 days a week. Information received on this line will be relayed to a DNR officer for investigation. You do not have to leave your name when reporting a violation. However, it is often helpful to an investigation if a DNR Law Enforcement Officer can follow-up on your report to verify essential facts and let you know the outcome of the investigation. If provided, your identity and any information that may identify you will be protected under state statute 23.38.

Comment: The department received several comments regarding increased truck traffic and property values decreasing in the Township of Trenton. Concerns over degradation of roads and manure and/or dirt tracking on roads were expressed.

Response: The DNR has completed environmental analyses for many CAFO WPDES permit-related actions in the past. This includes the Environmental Assessment for the Large Dairy CAFO General Permit which can be found at http://dnr.wi.gov/topic/AgBusiness/documents/LargeDairyCAFOGP-EnvironmentalAssessment.pdf. This document provides additional information related to projects such as this one, including discussions related to the issues identified in the comments.

Some manure and dirt tracking on the road does occur due to the volume and nature of land application but should be cleaned up in a timely manner by the farm to the extent practicable. Excessive manure and dirt tracking that causes a roadway hazard is enforced by local law enforcement authorities. An acute manure release (tanker accident, valve opening, hose break, etc.) during transport of manure from farm to land application site must be reported as a spill to the DNR Spills Hotline and cleaned up immediately.

Comment: There definitely needs to be more regulation on factory farms if they want to host their operations in this region. I ask that you do not grant the permit for Rob-n Cin farm to expand its herd, and that in fact, you do what you can to shut down the operation and direct the appropriate agency to call for an environmental cleanup, if that is something you are able to do.

Response: The WPDES permit program includes a number of review processes and permit conditions to help protect water quality and avoid spills. The WPDES permit contains permit conditions that protect surface waters, groundwater and wetlands that are consistent with ch. NR 243, Wis. Adm. Code, the code that establishes permit requirements for CAFOs throughout the state.

Comment: The department received several comments related to the Wisconsin DNR's mission statement, and if this permitting decision is consistent with the mission statement.

Response: The DNR implements the CAFO WPDES permit program in accordance with the authority provided by the state legislature under ch. 283, Stats., and with oversight by US EPA. Conditions in CAFO WPDES permits are consistent with this authority and the requirements outlined in ch. NR 243, Wis. Adm. Code.

Comment: Rob-N-Cin has failed to prove they have adequate land base for their proposed expansion. They cannot verify they have proper leases for many of their proposed manure spreading fields, violating Wisconsin Administrative Code NR 243.14(2)(a) which requires spreading acreage to be "available and under control of the operation." With only 450 acres available near the farm, they are proposing an industrial operation that far exceeds their actual capacity.

Response: According to the nutrient management plan submitted with the permit application, Rob-n-Cin Farms owns 611 acres and control 2,618 acres through contracts, rental agreements or leases, or under manure agreements, which total 3,229 acres. Of the 3,229 acres, 3,203 acres are spreadable acreage. Based on the department's technical review of the nutrient management plan, the department believes that this is sufficient acreage to accommodate the proposed manure and process wastewater generation.

Comment: The permit states in section 1.6.1., under General Spreading Restrictions, that "During dry weather conditions, manure or process wastewater may not run off the application site, nor discharge to waters of the state through subsurface drains." How can this be assured without surface water monitoring? How are subsurface drains monitored? There could be provisions added to the permit that would require these subsurface systems to be mapped and for a subset to be monitored by WDNR as stated previously.

Response: Per s. NR 243.14(2)(e), a permittee shall identify as part of its nutrient management plan, to the maximum extent practicable, the presence of subsurface drainage systems in fields where its manure or process wastewater is applied. Additionally, when liquid manure is surface applied on fields where subsurface drainage is present, tile outlets are required to be visually monitored before, during, and after applications for potential discharges of manure, per NRCS 590 Nutrient Management, Section IV A.3.b.(4).

Comment: It is also likely that sampling of manure does not include the right pollutants or forms of pollutants that are subject to TMDLs, for example. This permit, and most CAFO permits, don't require numeric effluent limitations, and most states provide water quality-based effluent limitations in the form of best management practices, which is nonsensical.

Response: Parameters that are required to be analyzed for from manure samples are found in s. NR 243.19(1)(c), Wis. Adm. Code. Manure or process wastewater shall be analyzed on at least an annual basis for nitrogen, phosphorus and percent solids in years when the manure or process wastewater is applied. Discharges of manure and process wastewater pollutants from a land application are prohibited unless it is a result of a rain event greater than the 25-year, 24-hour rain event.

Comment: Given that the Milwaukee River Basin has 3 TMDLs, due to established issues with streams NOT meeting water quality standards for total phosphorus, bacteria, and total suspended solids, we'd recommend that WDNR consider requiring some targeted surface water monitoring. Milwaukee Riverkeeper could help monitor surface waters for impacts but would need to receive the information of where and when manure will be spread.

Response: The DNR does not require in-stream monitoring under the CAFO WPDES permit program. There are practical limitations on requiring discharge monitoring from CAFO production areas and land application areas (e.g., unpredictable nature of potential discharges associated with precipitation events, challenges in obtaining representative samples at appropriate locations). In lieu of discharge monitoring, the CAFO WPDES permit program requires that permittees implement best management practices to avoid discharges that could cause exceedances of surface water, groundwater and wetland water quality standards. For example, in addition to conducting inspections of their production area, permittees must submit design plans for proposed reviewable structures and evaluations of existing structures for DNR approval. For land application areas, in addition to sampling manure, process wastewater and soil, permittees must submit a nutrient management plan for DNR approval that complies with the landspreading practices contained in ch. NR 243 and their WPDES permit.

Discharge limitations specified in the permit allow the DNR to address identified discharges should they occur.

Comment: What's a 25-foot stream setback or a 100 foot well setback to a "100 year" rainfall and flood event? Especially now that "100 year" floods are happening on a 10-year timeline.

Response: The permit and the practices set forth in the nutrient management plan are designed to mitigate nutrient loss to surface water and groundwater. The proposed permit reflects best management practices and nutrient management planning requirements in ch. NR 243, Wis. Adm. Code, designed to minimize impacts to surface and groundwater quality and avoid exceedances of water quality standards.

Per s. NR 243.14(2)(b)4, Manure or process wastewater may not run off the application site nor discharge to waters of the state through subsurface drains due to precipitation or snowmelt except if the permittee has complied with all land application restrictions in this subchapter and the WPDES permit, and the runoff or discharge occurs as a result of a rain event that is equal to or greater than a 25−year, 24−hour rain event, not a 100-year rain event.

Comment: Most of the Trenton Rob-N-Cin farm has acreage with a high and perched ground water mostly due to historical wetlands area that have been filled as well as existing wetland of differing grades on this farm.

Response: Prior to land application, permittees are required to verify the depth to groundwater to ensure that the water table is not within 2 feet of the soil surface. If groundwater is present within 2 feet of the soil surface, land application of manure or process wastewater is prohibited. Additionally, there are late-summer and fall restrictions on applications of nitrogen to minimize the risk of nitrogen leaching into the groundwater on susceptible soils, which includes shallow groundwater, shallow bedrock, and permeable soils.

Comment: Establish mandatory 1,000-foot setbacks from all State Natural Area boundaries

Response: The permit and the practices set forth in the nutrient management plan are designed to mitigate nutrient loss to surface water and groundwater. The proposed permit reflects best management practices and nutrient management planning requirements in ch. NR 243, Wis. Adm. Code, designed to minimize impacts to surface and groundwater quality and avoid exceedances of water quality standards.

Comment: They also violate NR 243.14(1)(b) which requires written landowner agreements for all manure application and storage sites.

Response: Written landowner agreements are not a requirement, unless requested by the department. S. NR 243.14(1)(b), Wis. Adm. Code allows the department to request written agreements if the department believes there is a reason to. During the technical review of the nutrient management plan for Rob-n-Cin Farms, the department did not find a reason to request written agreements.

Comment: The farm only owns 135 acres at their main site. That's nowhere near enough land to safely spread 20+ million gallons of manure each year. Most of their spreading fields are rented, not owned. As more neighbors get fed up with the impacts, those landowners won't renew their rental agreements, forcing the operation to haul manure even farther away.

Response: According to the nutrient management plan submitted with the permit application, Rob-n-Cin Farms owns 611 acres and control 2,618 acres through contracts, rental agreements or leases, or under manure agreements, which total 3,229 acres. Of the 3,229 acres, 3,203 acres are spreadable acreage. Based on the department's technical

review of the nutrient management plan, the department believes that this is sufficient acreage to accommodate the proposed manure and process wastewater generation.

Comment: Don't approve any permit until they can prove they own at least 800 contiguous acres near the main facility

Response: It is not a requirement of the WPDES permit to have contiguous land base near, or adjacent to the production area, nor is it a requirement that the permittee own a certain percentage of the overall land base. According to the nutrient management plan submitted with the permit application, Rob-n-Cin Farms owns 611 acres and control 2,618 acres through contracts, rental agreements or leases, or under manure agreements, which total 3,229 acres. Of the 3,229 acres, 3,203 acres are spreadable acreage. Based on the department's technical review of the nutrient management plan, the department believes that this is sufficient acreage to accommodate the proposed manure and process wastewater generation.

Comment: I also understand that there have been several instances (since this all began) where the farm has spread manure in locations which they were not authorized to do so. If that is correct, it's another significant violation AND a slap in the face to the entire community – demonstrating the farm's willful intent to violate the rules/law. How can they be trusted to police themselves going forward?

Response: The department is not aware of any instances where manure has been spread in locations which they are not authorized to do so. Self-reporting is key component of the federal NPDES permit program that serves as a basis for Wisconsin's WPDES permit program. The permit requires the operation complete ongoing self-monitoring and reporting of its production area and nutrient management activities. The permittee is required to report certain types of non-compliance within 24 hours to the DNR. In addition to self-monitoring/reporting by the permittee, the DNR (1) reviews annual reports summarizing self-monitoring activities and Nutrient Management Plan updates, (2) responds to citizen complaints, (3) may conduct a manure hauling audit on an operation's land application practices, (4) conducts a compliance inspection at least once every five-year permit term, typically during the last year of the permit term, (5) conducts more frequent inspections where warranted based on compliance issues or constructions activities and (6) responds to spills should they occur. Documented noncompliance is subject to DNR compliance and/or enforcement measures. The DNR is continually working to find ways to increase the amount of time staff can spend out in the field on compliance and enforcement activities.

Comment: Require a minimum separation of 500 feet between manure spreading and private residences to protect drinking water and avoid quality of life issues.

Response: The permit and the practices set forth in the nutrient management plan are designed to mitigate nutrient loss to surface water and groundwater. The proposed permit reflects best management practices and nutrient management planning requirements in ch. NR 243, Wis. Adm. Code, designed to minimize impacts to surface and groundwater quality and avoid exceedances of water quality standards.

Comment: Prohibit all liquid manure spreading on the Wollner Fields 1 and 2 and all Meyer Fields these fields pose direct, unacceptable contamination risks to our neighborhood wells and our families' drinking water.

Response: The permit and the practices set forth in the nutrient management plan are designed to mitigate nutrient loss to surface water and groundwater. The proposed permit reflects best management practices and nutrient management planning requirements in ch. NR 243, Wis. Adm. Code, designed to minimize impacts to surface and groundwater quality and avoid exceedances of water quality standards.

Comment: The department received several comments related to previous noncompliance and for operating as a large CAFO without a WPDES permit.

Response: A notice of noncompliance was issued on DATE for operating over 1000 AUs without a permit. With issuing the WPDES permit, Rob-n-Cin Farms LLC will come into to compliance with permit requirements. Compliance schedules are included in the WPDES permit for Rob-n-Cin Farms to evaluation and upgrade reviewable facilities to comply with ch. NR 243 requirements.

Comment: The department received several comments requesting an animal cap be included to limit the number of animals that Rob-n-Cin Farms LLC can have at their production sites.

Response: The DNR does not prohibit operation expansion Instead, the DNR monitors compliance with permit requirements to maintain adequate storage and land base for storing and land spreading manure and process wastewater.

Permittees report animal unit numbers, associated manure and process wastewater generation, and available storage to the DNR at the time of application for permit reissuance, when submitting plans and specifications, when proposing a 20% expansion in animal units, and on an annual basis. The DNR reviews this information to determine if the facility has maintained enough spreadable acreage in the approved nutrient management plan and a minimum of 180 days of storage for liquid manure.

When an operation proposes to expand during the permit term, they must confirm adequate land base and manure storage to support the addition of animal units. If the facility needs to build additional storage that requires a permit modification or add land base to support the expansion, those items are available for public review and comment and can be viewed online via the DNR's ePermitting system at https://dnr.wi.gov/permits/water/.

Comment: Existing storage tanks should be actively monitored for leakage, including incorporation of technology for leak detection, if possible. Leak detection should be required with the construction of the new storage tank, and liners installed to minimize leakage.

Response: The storage of manure and process wastewater and the subsequent land application of these stored materials are considered the best technology for CAFOs under federal NPDES requirements. For waste storage facilities the DNR reviews design plans and evaluates existing structures to help ensure proper design of manure/process wastewater storage. Ch. NR 243, Wis. Adm. Code requires storage structures to meet permit discharge requirements and be designed in accordance with NRCS 313. In addition, the WPDES permit contains permit conditions for a monitoring and inspection program that is consistent with ch. NR 243, Wis. Adm. Code, the code that establishes permit requirements for CAFOs throughout the state. The monitoring and inspection program within the WPDES permit contains the following requirements for storage structures and land application equipment:

- Weekly inspections of liquid storage and containment structures. For liquid storage and containment facilities, the berms shall be inspected for leakage, seepage, erosion, cracks and corrosions, rodent damage, excessive vegetation and other signs of structural weakness. In addition, the level of material in all liquid storage and containment facilities shall be measured and recorded in feet or inches above or below the margin of safety level.

Additionally, most of the waste storage facilities at Rob-n-Cin Farms LLC are above ground. Leaks from the waste storage facilities at the Main Site will be easily detected by the farm during the monitoring and inspection requirements established in the permit.

Comment: There is a provision that any discharge from a manure lagoon in the production area would need to meet surface water quality standards, but that seems impossible for any farmer to know given the lack of required surface water monitoring. It would be clearer for them to report immediately any such discharge and allow for the state to conduct monitoring to verify any impacts. Also, there was documented runoff from the manure lagoon at the Center Road facility, so that should justify monitoring to allow WDNR to know if surface water standards were violated.

Response: In the event a production area discharge to navigable waters were to occur, the DNR would determine if the discharge was allowable based on the discharge criteria, including applicable operational requirements, contained in the WPDES permit. In addition to potential noncompliance with operational requirements, the DNR would review any available monitoring data from sampling it had conducted to determine if water quality standards had been exceeded. For parameters where the water body already exceeds water quality standards, monitoring data would be compared to applicable water quality criteria.

Comment: In section 1.5 of the permit, detailing requirements around Ancillary Service and Storage Areas, the permit states that: "The permittee may discharge contaminated storm water to waters of the state from ancillary service and storage areas provided the discharges of contaminated storm water comply with groundwater and surface water quality standards." How would a farm ever know if their actions were complying with groundwater or surface water quality standards when they are not required to monitor for either? Given this, it does not seem prudent to allow the facility to discharge any contaminated storm water to waters of the state without any required practices aimed at reducing this or any monitoring. Some runoff may be unavoidable in emergency situations, but the permit is not clear when such discharge would be allowed from these areas. Is that also a 25-year storm?

Response: Permit requirements for ancillary service and storage areas to take preventative maintenance actions and conduct visual inspections are consistent with s. NR 243.13(7). These practices apply in lieu of treatment. The permit language reference to allowed discharges of contaminated storm water differentiates the discharge limitations for Ancillary Service and Storage Areas compared to Production Area Discharge Limitations. It does not assume these discharges will be contaminated. Discharge limitations specified in the permit allow the DNR to address identified discharges should they occur.

In the event a production area discharge to navigable waters were to occur, the DNR would determine if the discharge was allowable based on the discharge criteria, including applicable operational requirements, contained in the WPDES permit. In addition to potential noncompliance with operational requirements, the DNR would review any available monitoring data from sampling it had conducted to determine if water quality standards had been exceeded. For parameters where the water body already exceeds water quality standards, monitoring data would be compared to applicable water quality criteria.

The DNR does not require in-stream monitoring under the CAFO WPDES permit program. There are practical limitations on requiring discharge monitoring from CAFO production areas and land application areas (e.g., unpredictable nature of potential discharges associated with precipitation events, challenges in obtaining

representative samples at appropriate locations). In lieu of discharge monitoring, the CAFO WPDES permit program requires that permittees implement best management practices to avoid discharges that could cause exceedances of surface water, groundwater and wetland water quality standards. For example, in addition to conducting inspections of their production area, permittees must submit design plans for proposed reviewable structures and evaluations of existing structures for DNR approval. For land application areas, in addition to sampling manure, process wastewater and soil, permittees must submit a nutrient management plan for DNR approval that complies with the landspreading practices contained in ch. NR 243 and their WPDES permit.

Comment: In the spill reporting section (3.1.11), the permit states that "The permittee shall notify the Department in in the event that a spill or accidental release of any material or substance results in the discharge of pollutants to the waters of the state at a rate or concentration greater than the effluent limitations or restrictions established in this permit, or the spill or accidental release of the material is unregulated in this permit, unless the spill or release of pollutants has been reported to the Department in accordance with s. NR 205.07 (1)(s), Wis. Adm. Code, and the "Noncompliance - 24 Hour Reporting," section of this permit." How would a farm know if their discharge was at a concentration greater than effluent limitations when there are no numeric limitations and only best management practices? This section should be clarified given that WDNR documented such a manure overflow from the Center Street manure pit into a ditch that flows to Mole Creek.

Response: The CAFO Permit is a "zero-discharge" permit, meaning that unless under very specific circumstances, the permittee may not discharge manure or process wastewater pollutants to navigable waters from the production area and waters of the state from land application areas. The CAFO WPDES permit uses technological based effluent limitations, meaning there are not water quality-based effluent limitations. If the waste storage facilities are being operated appropriately, and the nutrient management plan is being followed, the risk of discharges occurring are greatly minimized. In the event that there is a release of hazardous substance (manure and/or process wastewater), the permittee is required to report the spill to the WDNR Spills Hotline, per s. 292.11(2)(a), Wis. Stat.

Comment: Emergency response plans for spills or accidents are inadequate

Response: The requirements for the emergency response plan can be found in s. NR 243.13(6), Wis. Adm. Code. The plan content shall include the following:

- The names and telephone numbers of persons who are identified by the permittee as responsible for implementing the emergency response plan.
- Areas of the production area where potential unauthorized spills or discharges can occur, and their accompanying surface and subsurface drainage points.
- Procedures to be followed in the event of an unauthorized spill or discharge, including the following:
    - Actions to contain, minimize and manage any unauthorized discharge.
    - Actions to mitigate the adverse effects of any unauthorized discharge.
    - Identification of contractors, equipment, equipment technical support, clean-up materials and alternative manure storage that can be used in the event of an unauthorized discharge.
    - Identification of land application sites or alternative storage facilities that can be used in the event of an unauthorized dis-charge during precipitation events or when soils are saturated, frozen or snow covered. Those land application sites identified shall have the lowest potential to deliver pollutants to waters of the state out of all the land application sites available to the permittee.
    - Procedures for reporting the unauthorized discharge to the permittee's main operational contact, any applicable local emergency or health authorities, and the department in accordance with permit requirements and s. 292.11, Stats.

Rob-n-Cin Farms LLC is required to submit an updated emergency response plan to the department during the first month of the permit term.

Comment: Public notification requirements should be strengthened.

Response: No specific suggestions to the proposed draft WPDES permit were made in the comments summarized above; therefore, no changes were made to the permit. Public notice requirements can be found in NR 203 Wis. Admin. Code. .

Comment: Require financial assurance for potential well contamination cleanup and property value losses

Response: The department does not have the authority to require financial assurance for potential well contamination cleanup and property value loss. The Department believes adherence to permit requirements, including production area discharge limitations, implementation of an NMP and development of an emergency response plan, will prevent exceedances of groundwater standards.

The DNR recommends private well owners sample their well water on an annual basis for nitrate and bacteria. Information about well testing is available through the DNR website at https://dnr.wi.gov/topic/wells/privatewelltest.html. Additional information is available at https://dnr.wi.gov/topic/Wells/homeowners.html and https://dnr.wi.gov/topic/DrinkingWater/Manure.html.

Homeowners with levels of nitrates or other contaminants in exceedance of state drinking water standards should contact their local DNR private water supply specialist. If a homeowner suspects their well is contaminated with manure, they should immediately contact a regional DNR Private Water Supply specialist (see list at https://dnr.wi.gov/topic/Wells/PrivateWaterSupply.html) or CAFO specialist (see contact map at https://dnr.wi.gov/topic/AgBusiness/CAFO/Contacts.html) to investigate the source of contamination. Where the source of the contamination can be identified, the DNR will determine the appropriate enforcement response. In some cases, the DNR can provide an emergency source of water, technical assistance for well treatment or replacement options and/or financial assistance for well replacement.

Comment: The department received comments asking who is responsible for cleanup when something fails or when a spill occurs.

Response: Per s. NR 243.142(1), Wis. Adm. Code, the owner or operator of the permitted facility shall be responsible of the storage, management and land application of all manure and process wastewater generated by the operation in accordance with terms and conditions contained in the WPDES permit. In the event of a spill, the permittee is responsible for cleanup actions. The permittee has a duty to mitigate adverse impacts to the environment by effectively stopping and cleaning up any spill.

Comment: The department received several comments related to self-reporting and self-monitoring related to WPDES permit requirements. Many comments requested that the department closely monitor this facility and not allow the facility to self-report and monitoring.

Response: Self-reporting is key component of the federal NPDES permit program that serves as a basis for Wisconsin's WPDES permit program. The permit requires the operation complete ongoing self-monitoring and reporting of its production area and nutrient management activities. The permittee is required to report certain types of non-compliance within 24 hours to the DNR. In addition to self-monitoring/reporting by the permittee, the DNR (1) reviews annual reports summarizing self-monitoring activities and Nutrient Management Plan updates, (2) responds to citizen complaints, (3) may conduct a manure hauling audit on an operation's land application practices, (4) conducts a compliance inspection at least once every five-year permit term, typically during the last year of the permit term, (5) conducts more frequent inspections where warranted based on compliance issues or constructions activities and (6) responds to spills should they occur. Documented noncompliance is subject to DNR compliance and/or enforcement measures. The DNR is continually working to find ways to increase the amount of time staff can spend out in the field on compliance and enforcement activities.

Comment: I also wanted to comment that the farm as of August 11th is flooded and has contaminated the Cedar Creek from manure from barns or manure tanks.

Response: The department is aware of the heavy rain event that caused localized flooding in southeast Wisconsin around August 11, 2025.

Comment: The department received several comments related to animal husbandry and welfare at Concentrated Animal Feeding Operations.

Response: The WPDES permit is a water quality protection permit. In the event that the department or citizen observes poor animal husbandry, they may contact a DATCP humane officer to investigate animal abuse and neglect. More information about the DATCP Humane Officer Program can be found here: DATCP Home Humane Officers Program

Comment: I'd like to duly note that the land the farm is on is not zoned for a Large CAFO farm. The town voted that while there is land zoned for that level of farming they DO NOT qualify as being in that zone. That alone disqualifies them from having a permit granted by the DNR allowing them to obtain and maintain more cattle.

Why should Rodens be allowed to increase their herd, borrow thousands of dollars for equipment and hire staff before a permit or zoning change takes place? Instead, you could show what consequences we expect for this operation not following zoning laws, a decrease of their herd.

The department received several comments that Rob-n-Cin Farms LLC is not in compliance with local ordinances and codes.

Response: While the DNR works with other governmental agencies, it does not have the authority to enforce local permit conditions or requirements of other agencies as part of the WPDES permit.

Comment: Require a buffer zone of ¼ mile between any manure storage facility, barns or milking buildings and any occupied structures not owned by the Rob n Cin Farm.

Response: Per s. NR 243.15(1)(a)2, Wis. Adm. Code, barnyards, feedlots and reviewable facilities or systems may not be located within 250 feet of a private well or noncom-munity system as defined in ch. NR 812 or within 1000 feet of a community well as defined in ch. NR 811. The department does not have the authority to require a setback from occupied structures, or a greater setback from private wells than what is specified in ch. NR 243, Wis. Adm. Code.

Comment: "The permittee currently has approximately 10 months of storage for liquid manure. The permittee must maintain 180 days of storage, unless temporary reductions in required storage are approved by the Department." This infers that the storage facilities will be in place and operational to handle the added loads before increasing the livestock manure and wastewater loads. The permit should clearly state so.

Response: Permit schedule 1.9 Manure Storage Facility – Installation of 180 Days of Liquid Manure Storage, requires Rob-n-Cin Farms to complete construction of WSF 3 at the Main Site. By doing so, Rob-n-Cin Farms LLC will have enough storage capacity to comply with the 180-days of storage requirement for the proposed manure generation after the expansion.

Comment: All three facilities plan views and aerials show surface water drainage systems (but not subsurface systems and discharges) that ultimately discharge from the site to wetlands and ultimately high-quality surface waters including the North Br. of Cedar Creek, Mole Cr. and an unnamed tributary. (Mole Cr. Is classified by SWDNR as a Class II trout stream. The WDNR and its partners Ozaukee County have in total, spent over $100,000 for easements and habitat restoration projects.) The documents do not describe if and to what extent stormwater and subsurface flows generated from the entire facility (not just manure handling and storage areas) are collected and treated before discharging from the site. The quality, quantity, design precipitation event, and treatment limits for these wastes should be addressed in the permit and fact sheet.

Response: Permit requirements for ancillary service and storage areas to take preventative maintenance actions and conduct visual inspections are consistent with s. NR 243.13(7). These practices apply in lieu of treatment. The permit language reference to allowed discharges of contaminated storm water differentiates the discharge limitations for Ancillary Service and Storage Areas compared to Production Area Discharge Limitations. It does not assume these discharges will be contaminated. Discharge limitations specified in the permit allow the DNR to address identified discharges should they occur.

Comment: Remove the satellite farms from the permit.

Response: The satellite farms identified in the permit were deemed to be part of one "animal feeding operation", as defined in s. NR 243.03(4), Wis. Adm. Code due to being under common management with Rob-n-Cin Farms LLC and manure generated at Rob-n-Cin Farms is comingled in a common manure storage facility at both the Center Road Site and the Hawthorne Avenue Site. This determination necessitated permit coverage for the satellite sites.

Comment: It appears from the DNR's e-permitting site that the Applicant is still seeking and obtaining site plan approvals for various structures at the CAFO site. Clearly, the WPDES permit should not be issued until all of these are obtained.

Response: Rob-n-Cin Farms submitted plans and specifications for construction of new reviewable facilities to the department for approval, prior to construction. This is a permit requirement, and not uncommon. Additional engineering evaluations of existing facilities at the Center Road and Hawthorn Drive sites will be submitted in accordance with the permit compliance schedules. If the evaluations determine that upgrades are necessary, plans and specifications for upgrades will be submitted to the department in accordance with the compliance schedules outlined in the permit.

Comment: The department received comments regarding construction taking place at Rob-n-Cin Farms LLC taking place prior to a WPDES permit being issued.

Response: The permittee can make the decision to construct facilities prior to issuance of the WPDES permit as long as the plans and specifications have been reviewed and approved by the DNR. The operation does this at their own risk since the WPDES permit is not yet finalized and is subject to change based on the public commenting process. Where warranted, the DNR has made changes to CAFO WPDES permit conditions based on public comment.

Comment: Do not issue the WPDES permit until the information required by the Engineering Review and other permit documents is submitted. Allowing Roden Farms to submit the information later, after permit issuance, deprives the Department of the ability confirm the Applicant can meet the standards at the time of permit issuance. Courts have rejected this "permit first, allow information later" strategy. See Meteor Timber, LLC v. Wisconsin Div. of Hearings & Appeals, 2022 WI App 5, Â¶ 64, 400 Wis. 2d 451, 481, 969 N.W.2d 746, 761. Furthermore, delaying submission also denies the public the ability to comment on the information before the permit is issued, and elongates the period of non-compliance.

Response: The department routinely requires engineering evaluations of existing facilities to be included as a compliance schedule within the permit term, especially for first time permit issuances. This allows the facility to be covered under a WPDES permit and the regulations set forth in the permit in a timelier manner, while still requiring engineering evaluations to be completed for existing facilities covered under the WPDES permit.

Comment: Ensure that permit schedules contain ALL required actions in the Engineering Review, including for WTS4, 5, and 7.

Response: The required actions for the waste transfer systems were to follow through with the revised Operation and Maintenance procedures for inspecting the reception tanks. The O&M was submitted to the department on October 16, 2024. There are no actions required of Rob-n-Cin Farms to submit documentation to the department, therefore, no compliance schedules were included in the permit for the waste transfer systems.

Comment: Move up due dates in Schedule 2 for other Required Actions, see Section 2.2, 2.7, 2.10, 2.11, 2.12, 2.13, 2.14

Response: The department believes that the compliance schedules outlined in the WPDES permit are appropriate. The existing facilities will be evaluated in the first year of the WPDES permit term, with additional compliance schedules for necessary upgrades if necessary.

Comment: Antimicrobial resistant bacterial spread and spread of food-borne pathogens has also been documented as a risk of CAFO's. CAFOS also represent a concentrated environment for the spread of H5N1 (Bird flu) influenza as many dairy operations in the US have had recent outbreaks in their herds and CAFOs represent a significant risk for spread of H5N1 from cattle to humans - both workers and potentially nearby residents.

Response: The DNR does not regulate pharmaceuticals (e.g., hormones, antibiotics) under the CAFO WPDES permit program. EPA has established compliance with production area discharge limitations and development and implementation of an NMP as best technology for addressing discharges of pathogens to navigable waters from CAFOs under federal NPDES requirements. In addition, NR 243 includes additional restrictions and practices designed to address groundwater impacts associated with pathogens.

To date, there have been no documented cases of H5N1 in dairy herds in the state of Wisconsin. Further information on bird flu in Wisconsin can be found here: DATCP Home Avian Influenza

Comment: Southeastern Wisconsin's increasing climate instability exacerbates these risks. Recent droughts and flooding events, including the severe floods of August 10, 2025, demonstrate that extreme weather can rapidly increase runoff and pollution events to the surrounding population and environment.

The department received comments regarding increasing the requirement for a 25-year, 24-hour rain event due to increased rain fall.

Response: The permit reference to the 25-year, 24-hour rainfall event is a design standard, not the threshold at which a discharge to navigable waters is allowed. Additional requirements (e.g., proper operation, maintenance and record keeping) must also be met in order for production area discharges to navigable waters to be allowed under a WPDES permit. These requirements are consistent with ch. NR 243, Wis. Adm. Code, and federal NPDES CAFO requirements. In practice, given the design and operational restrictions associated with a WPDES permit, it is very uncommon for allowable production area discharges to occur at operations with proper containment, even given more extreme precipitation events.

Comments: In addition to the valid concerns around phosphorus, nitrate, and bacteria contamination of local water supplies and other ecosystem impacts, the potential pH, total alkalinity, ammonia, and pharmaceutical impacts (I.e. hormone supplements and antibiotics) should be considered.

Not only am I troubled about the air and water pollution, I don't like the crowding of animals and the disease that comes with it. It is inhumane to the cows and I personally don't want to eat beef that has been fed all the antibiotics that are required to maintain herd health. And that reminds me that the antibiotics would also get into the water and as an RN we all know that antibiotics are not working as well these days due to their overuse.

Response: The DNR does not regulate pharmaceuticals (e.g., hormones, antibiotics) under the CAFO WPDES permit program. EPA has established compliance with production area discharge limitations and development and implementation of an NMP as best technology for addressing discharges of pathogens to navigable waters from CAFOs under federal NPDES requirements. In addition, NR 243 includes additional restrictions and practices designed to address groundwater impacts associated with pathogens.

Comment: The potential conflict of interest of the farm being on the town board while seeking a permit and being in violation of existing regulations without enforcement from the relevant government and regulatory agencies seems to be of reasonable concern

Response: Any local involvement by representative of the facility does not impact or relate to the WPDES permitting process. The WPDES permit is a state-level permit.

Comment: Conduct surface water monitoring of any 303(d) listed waters that receive runoff.

Response: The DNR does not require in-stream monitoring under the CAFO WPDES permit program. There are practical limitations on requiring discharge monitoring from CAFO production areas and land application areas (e.g., unpredictable nature of potential discharges associated with precipitation events, challenges in obtaining representative samples at appropriate locations). In lieu of discharge monitoring, the CAFO WPDES permit program requires that permittees implement best management practices to avoid discharges that could cause exceedances of surface water, groundwater and wetland water quality standards. For example, in addition to conducting inspections

of their production area, permittees must submit design plans for proposed reviewable structures and evaluations of existing structures for DNR approval. For land application areas, in addition to sampling manure, process wastewater and soil, permittees must submit a nutrient management plan for DNR approval that complies with the landspreading practices contained in ch. NR 243 and their WPDES permit.

Discharge limitations specified in the permit allow the DNR to address identified discharges should they occur.

Comment: What is the definition of "conduit"? The definition should include any surface (e.g. swale, ditch, etc.) or subsurface structure (e.g. drainage tile) capable of conveying polluted stormwater or subsurface discharges to surface and groundwater resources. The permit should clearly state the definition of "conduit".

Response: A conduit to navigable water is defined under s. NR 243.03(14), Wis. Adm. Code, which states: "Conduit to a navigable water" means a natural or man-made area or structure that discharges to a navigable water via channelized flow. This includes open tile line intake structures, open vent pipes, sinkholes, agricultural well heads, drainage ditches that discharge to navigable waters and grassed waterways that drain directly to a navigable water."

Comment: "The permittee shall take preventative maintenance actions and conduct visual inspections to minimize pollutant discharges from areas of the operation that are not part of the production area or land application areas." This infers that manure land application areas will be required to prevent concentrated runoff of pollutants from manure applied lands up to the 25-year 24-hour precipitation event. The permit should clearly state so.

Response: Permit Section 1.6.1 General Spreading Restrictions states that "…Manure or process wastewater may not run off the application site nor discharge to waters of the state through subsurface drains due to precipitation or snowmelt except if the permittee has complied with all land application restrictions in NR 243 and this permit, and the runoff or discharge occurs as a result of a rain event that is equal to or greater than a 25-year, 24-hour rain event." This permit section also states "..During dry weather conditions, manure or process wastewater may not run off the application site, nor discharge to waters of the state through subsurface drains." This permit section prohibits manure and process wastewater from leaving field boundaries up to the 25-year, 24-hour rain event.

Comment: The department received several comments requesting larger manure application setbacks for sensitive features and raise that standard of CAFO manure applications.

Response: The permit and the practices set forth in the nutrient management plan are designed to mitigate nutrient loss to surface water and groundwater. The proposed permit reflects best management practices and nutrient management planning requirements in ch. NR 243, Wis. Adm. Code, designed to minimize impacts to surface and groundwater quality and avoid exceedances of water quality standards.

Comment: Drainage tiles provide an indirect "conduit" for manure pollutants access to surface waters. Consistent with the intent of the Nutrient Management practices, the permit should require the permittee to identify the fields and extent of the field served by drainage tile, and the specific drainage tile discharge location to surface waters including drainage ditches and ultimately surface waters, including wetlands. Upon notification, the Permittee should allow access to WDNR to sample drain tile discharges.

Response: Permittees are required to identify all tile inlets and outlets, as well as map all tile features to the best extent possible. In the event of a discharge from subsurface drainage, the department does have the authority to sample effluent from tile outlets in response to the discharge.

Comment: The groundwater monitoring well network at the Cedarburg Bog should be upgraded with regular sampling for a broader range of agricultural contaminant parameters at the expense of the State or the Applicant to protect the Cedarburg Bob.

Response: The CAFO WPDES permit has no authority to require additional sampling of well networks not associated with the permitted operation. Additionally, the DNR does not require a permitted CAFO perform monitoring of neighboring wells as part of a WPDES permit. The DNR recommends that all private well owners have their well water tested at least annually. Information about this process is available through the DNR website at https://dnr.wi.gov/topic/wells/privateWellTest.html. If manure contamination of a well is suspected, contact DNR regional staff immediately.

Comment: The department received several requests to require groundwater monitoring wells around the production site at Rob-n-Cin Farms LLC.

Response: S. NR 243.15(7) grants the department authority to require groundwater monitoring at CAFOs.

"The department may require the installation of groundwater monitoring wells in the vicinity of manure storage facilities, runoff control systems, permanent spray irrigation systems and other treatment systems where the department determines monitoring is necessary to evaluate impacts to groundwater and geologic or construction conditions warrant monitoring."

The geology at the Rob-N-Cin Dairy can generally be described as Silurian-aged dolomite overlain by glacially deposited clay. Based on an examination of well construction reports (WCRs) at the production area and the surrounding area, depth to bedrock ranges from about 44ft to 84 ft and depth to groundwater ranges from 17-21ft depth. The site-specific geologic information suggests a relatively low groundwater contaminant susceptibility. In other words, geologic conditions do not warrant groundwater monitoring.

Comment: The department received several requests to require groundwater monitoring wells at land application sites.

Response: In order to characterize and summarize geologic conditions at landspreading fields, fields were grouped into clusters to allow for site-specific analysis and avoid over-simplification and generalization. Descriptions of each field grouping are as follows:

- Fields located in S9 T11N R20E, Town of Trenton, have bedrock at 174ft depth or more, with interbedded clay and sand overlying limestone bedrock, and static water level between 22-27ft depth.
- Fields in the Newberg/Fredonia area T12N R21E, T11N R21E, Township of Addison, have bedrock between 80-120ft depth, with interbedded sand, clay and gravel overlying limestone bedrock, and static water levels between 40-71ft depth.
- Fields located northwest of Saukville Sections 14, 15, 21, 22 and 27 T11N R21E, Township of Saukville, have bedrock between 49-150ft depth, with clay or sandy clay overlying limestone bedrock, and static water levels from 15-71ft depth.
- Fields located near Port Washington Sections 3 and 4 T10N R22E, Township of Grafton, have bedrock from 126-196ft depth, with clay and some gravel overlying limestone bedrock, and static water levels between 79-123ft depth
- Fields located southwest of Saukville in Sections 3, 4 and 11 T10N R21E, township of Cedarburg, and Sections 28, 33, 34 and 35 T11N R21E, Township of Saukville, have bedrock between 45-100ft depth with clay, sandy clay or clay with gravel overlying limestone bedrock, and static water levels between 14-90ft depth
- Fields located in Sections 1 and 11 T10N R20E, Township of Jackson, and S6 T10N R21E, Township of Cedarburg, have bedrock between 31-102ft with clay, sandy clay or clay with gravel overlying limestone bedrock, and static water levels between 5-60ft depth.
- Fields west of the Cedarburg Bog in Sections 23, 24, 25, 26, 33, 34, 35 and 36 T11N R20E, Town of Trenton, and Sections 19 and 20 T11N R21E, Township of Saukville, have bedrock between 26-85ft depth with gravelly clay, sandy clay, clay and some sand & gravel overlying limestone bedrock, and static water levels between 12-49ft depth.

Despite significant variability in depth to bedrock and depth to groundwater across and within groups of fields, this site-specific analysis indicates that geologic conditions do not warrant groundwater monitoring.

<u>Comments Received from EPA or Other Government Agencies and Any Permit Changes as Applicable</u>
No comments received.

As provided by s. 283.63, Stats., and ch. 203, Wis. Adm. Code, persons desiring further adjudicative review of this final determination may request a public adjudicatory hearing. A request shall be made by filing a verified petition for review with the Secretary of the Department of Natural Resources within 60 days of the date the permit was signed (see permit signature date above). Further information regarding the conduct and nature of public adjudicatory hearings may be found by reviewing ch. NR 203, Wis. Adm. Code, s. 283.63 Stats., and other applicable law, including s. 227.42, Stats.

Information on file for this permit action may be inspected and copied at either the above-named permit drafter's address or the above-named basin engineer's address, Monday through Friday (except holidays), between 9:00 a.m. and 3:30 p.m. Information on this permit action may also be obtained by calling the permit drafter at (920) 367-3007 or by writing to the Department. Reasonable costs (15 cents per page for copies and 7 cents per page for scanning) will be charged for copies of information in the file other than the public notice and fact sheet. 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.