

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

NOTICE OF FINAL DETERMINATION TO ISSUE A WISCONSIN POLLUTANT DISCHARGE
ELIMINATION SYSTEM (WPDES) PERMIT No. WI-0066788-01-0

Permittee: Roth Feeder Pig II, 31961 Hummingbird Ln, Wauzeka, WI, 53826

Facility Where Discharge Occurs: Roth Feeder Pig II, Harvest Lane, Wauzeka

Receiving Water And Location: Surface water and groundwater within the Kickapoo River Watershed

Brief Facility Description: Roth Feeder Pig II is a proposed Concentrated Animal Feeding Operation (CAFO). Roth Feeder Pig II is owned and operated by AV Roth. The site will house 2981 animal units and generate approximately 9.4 million gallons of manure and process wastewater. Roth Feeder Pig II has a total of 1455.3 acres available for land application of manure and process wastewater. Of this acreage, 67.4 acres are owned and 1387.9 acres are rented. The site will consist of three barns and a composting area. The gilt development unit barn and gestation barn each will contain underfloor waste storage facilities. The farrowing barn will have underfloor reception tanks that drain to the gestation barn waste storage facility. The gestation barn and farrowing barn will have 251 days of liquid storage capacity. The gilt development unit barn will have 299 days of liquid storage capacity.

Permit Drafter's Name, Address and Phone: Tyler Dix, DNR, 101 S Webster St, PO Box 7921, Madison, WI, 53703, (608) 220-2096

Date Permit Signed/Issued: May 06, 2022

Date of Effectiveness: June 01, 2022

Date of Expiration: May 31, 2027

Public Informational Hearing Held On: June 10, 2021

Following the public informational hearing 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:

Comments Received from the Applicant, Individuals or Groups and Any Permit Changes as Applicable

See attached for a summary of comments received and associated Department responses. The following changes were made to the permit:

- 1) Cover page: the permit effective date changed to June 01, 2022. The permit expiration date changed to May 31, 2027.
- 2) Section 2.1: the due date for development of an emergency response plan changed to July 01, 2022.
- 3) Section 2.2: the due date for development of a monitoring and inspection program changed to November 01, 2022.
- 4) Section 2.3: a requirement to submit an annual report by January 31, 2027 was added. The annual report due January 31, 2022 was removed since the date has passed.
- 5) Section 2.4: a requirement to submit a nutrient management plan update by March 31, 2027 was added. The update due March 31, 2022 was removed since the date has passed.
- 6) Section 2.5: the permit reissuance application deadline changed to December 01, 2026.

Comments Received from EPA or Other Government Agencies and Any Permit Changes as Applicable

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 (608) 220-

2096 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.

Comment: Negative impacts to water quality (groundwater, surface waters and wetlands) and recreational opportunities will occur due to the storage and land application of manure and process wastewater. The proposed location for the operation is on top of a ridge within a groundwater recharge area and is characterized by steep slopes, thin soils, and karst geology. Karst geology is characterized by cracked bedrock, sinkholes, caves, springs and weeping cliffs, which cause groundwater to be more susceptible to pollution. Surface and groundwater connectivity exists. Phosphorus runoff to surface waters will result in eutrophication and algal blooms. There is concern for pollutants reaching the Kickapoo River, Wisconsin River, Mississippi River, and trout streams. The Kickapoo River is recognized as a continental flyway for endangered species. Fish and beaver dams require protection. The Kickapoo Wildlife Area, Hogback Prairie State Natural Area and Lower Wisconsin River Wetlands are also areas of concern due to potential impacts from the operation.

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 (including impaired waterways), 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 reviewed design plans to assure 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. In the unlikely event an authorized discharge were to occur, the permit still requires that the discharge complies with 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 and 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 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

Adherence to these nutrient management and production area requirements is intended to result in the following:

- 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 standards;
- Prevent impairment of wetland functional values;
- Retain land applied manure on the soil where it is applied with minimal movement.

Comment: Many surface waters in Wisconsin are already classified as impaired due to phosphorus, including the Kickapoo River Watershed in 2018.

Response: The department recognizes that impaired waterways exist in the vicinity of Roth Feeder Pig II. The department agrees with commenters that protection of these surface waters is important. The CAFO WPDES permitting program is intended to protect all types of surface waters. Please view the response to the first comment for additional information.

In addition to department review of designed structures, WPDES permits include operational and discharge restrictions for the production area (e.g., periodic self-inspections, “no discharge” from the production area) and outline best management practices for land application areas (e.g., restrictions when spreading near surface waters and their conduits, limitations on winter spreading of manure, phosphorus and nitrogen-based nutrient budgeting). These requirements eliminate or minimize the potential for discharges to waters of the state. Impacts may still occur, particularly in cases of permit noncompliance; however, the permit provides a means to avoid potential impacts to water quality and address those impacts if they occur.

Comment: The department relied on a bedrock map from 1876 and that the surface formation at the site could be Platteville Limestone instead of Prairie du Chien Dolomite due to the comparison of well construction reports for wells SJ675 and SJ643. Little is known about the site hydrogeology or hydrostratigraphy. Karst geology can change over time and that voids beneath the production area could become larger. Comments requested a detailed, systematic geologic study, including resistivity testing.

Response: There is limited geologic information available for the site. The plans and specifications for the production area meet required setbacks to bedrock and groundwater. Roth Feeder Pig II will allow the Wisconsin Geological and Natural History Survey to perform a geophysical survey of open boreholes when the farm drills water supply wells. This will provide valuable geologic information.

Electromagnetic resistivity testing is not necessary at this time. No sink holes were identified within the vicinity of the production area. The Bedrock Geologic Map of Wisconsin (1982) reflects a Prairie du Chien Dolostone surface formation. Whether the formation beneath the production area is Platteville Limestone or Prairie du Chien Dolomite would not impact the plans and specifications review determination. The 23 soil borings conducted for the plans and specifications package did not detect voids beneath the production area.

Comment: Groundwater quantity concerns exist and water quantity issues were overlooked. The water table would be lowered and that they would be required to drill a costly well that is deeper due to the proposed operation. Laws should be created that restrict water use on large scale farms and protect drinking water. The amount of water required for a swine operation was not considered. Who is responsible for monitoring private wells in the vicinity of the proposed operation? Roth Feeder Pig II should be required to monitor nearby private wells. Roth Feeder Pig II should be required to replace wells that are contaminated by the operation. Nitrate has the potential to pollute groundwater which can cause health impacts and that many wells in Wisconsin already have high nitrate levels. What is the sustainable rate of groundwater withdrawal for the area and are other businesses considered? An animal unit maximum capacity should be implemented based upon groundwater availability. The well construction reports referenced in the permit fact sheet show a specific capacity that is extremely low, with pump tests that resulted in dramatic groundwater drops. What is the recourse for a contaminated private well? Obtaining water needs via bottled water is costly and inconvenient.

Response: Adherence to permit requirements, including production area discharge limitations, implementation of a nutrient management plan and development of an emergency response plan, are intended to prevent exceedances of groundwater standards. The department cannot require CAFOs to perform monitoring of neighboring private wells as part of a WPDES permit.

The department recommends private well owners sample their well water on an annual basis for nitrate and bacteria. Information about well testing is available through the department 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.wisconsin.gov/topic/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.

Laws do exist to regulate groundwater quantity, in certain situations. If a facility has capacity to withdraw over 100,000 gallons of water per day, then a high capacity well approval is required. The operation will have the capacity to withdraw 86,400 gallons per day. The operation plans to withdraw an average of 25,000 gallons per day. A high capacity well approval is not required and the department does not have authority to regulate water quantity for this operation.

Comment: Groundwater monitoring wells should be required. This includes monitoring wells for both the production area and land application sites to assure compliance with groundwater quality standards. The production area hydrogeologic analysis was insufficient and that no analysis was done for land application sites. Monitoring the three onsite drinking water wells for water table levels. The presence of fractured rock, potential karst features, and a large depth to groundwater make this an exceedingly difficult place to monitor groundwater quality.

Response: The production area is proposed to be located on a ridge over an area with karst bedrock overlain by clay soils with an average depth to water of about 327 ft according to well construction reports on the property. The site will be newly constructed with a design plan that meets the NRCS 313 standard. A perimeter drain tile system is proposed around the waste storage facilities to aid with leak detection.

Most of the land application sites are located on ridgetops. The nature of karst bedrock and the large depth to groundwater make it difficult to place effective groundwater monitoring wells. In fact, due to the depth to groundwater, installation of monitoring wells may actually increase the risk of contamination since monitoring well construction is not regulated as stringently as water supply wells.

Other land application sites are in Citron Valley. Despite the presence of some seams of sand and gravel and a couple of wells with apparently shallow groundwater, the conceptual model is an aquifer that is protected by surficial clay and shale bedrock with an average depth to water of about 44 ft. This is not an aquifer that is highly susceptible to groundwater contamination.

Groundwater monitoring is not required for the production area or land application sites at this time. The operation is not required to monitor its drinking water wells; however, the department recommends owners of private wells sample their wells on an annual basis.

Comment: Human health will be negatively impacted by surface and groundwater contamination from pathogens, bacteria, antibiotics, and hormones from the proposed operation. The Center for Disease Control describes a wide range of negative health impacts associated with CAFOs.

Response: EPA has established compliance with production area discharge limitations and development/implementation of a nutrient management plan as the best technology for addressing discharges of pathogens and bacteria 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. See response to the first comment for examples of these restriction and practices. The department does not regulate pharmaceuticals (e.g., hormones, antibiotics) under the CAFO WPDES permit program.

Comment: An environmental impact statement (EIS) should be conducted prior to issuing the operation's WPDES permit since the current permit documents did not constitute a sufficient record. A petition with over 200 signatures requested the department conduct an EIS and that it is disappointing that citizens must fight so hard for an EIS to be conducted. An EIS should be required for all CAFO permit actions. The proposed permit is a major action and is not compliant with Wisconsin Environmental Policy Act due to the lack of an EIS. Only one EIS has been conducted for a CAFO since NR 150 was revised in 2016. Plans and specifications should also require an EIS. What is the average cost of an EIS? What are the 3 primary reasons for initiating an EIS? What is the threshold for the number of citizens requesting an EIS for department to initiate one?

Response: This WPDES permit action is an integrated analysis action under s. NR 150.20 (2) 3w., 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. The documents and information listed below were used as part of the department's processing of the permit application and supporting the integrated analysis determination:

- The WPDES final permit application package including forms and maps.
- A stormwater Construction Site Notice of Intent; Permit coverage was issued on March 29, 2021. As part of the intake process, the project area was screened for Natural Heritage Inventory (NHI), archeological/historical impacts, and wetland/hydric soils. All screenings were clear or have been cleared.
- Liquid manure storage capacity calculations were reviewed on September 4, 2020 and confirmed the operation has at least 180 days of storage.
- Plans and Specifications were submitted for the waste storage, waste transfer, and mortality composting area. The department conditionally approved the plans on August 5, 2020.
- Conditional approval on September 11, 2020 of the permittee's Nutrient Management Plan.
- Hydrogeologic review was conducted March 19, 2021.

Approval of CAFO constructions plans is a minor action and does not require environmental analysis under NR 150 (see NR 150.20(1m)(t)). Please view NR 150.20(4)(b) for factors the department considers when deciding the appropriate level of environmental review for a particular project. There is no threshold to initiate an EIS based on the number of citizen requests. The cost to conduct an EIS varies greatly depending on the particular project.

Comment: There is not enough acreage to properly manage the proposed amount of manure and process wastewater generated by the operation. There are closer to 920 spreadable acres after accounting for restrictions and that this results in a 0.31 animal unit to acreage ratio.

Response: The operation's nutrient management plan is consistent with requirements contained in NR 243.14 and NRCS 590. Not every field is fit to have manure land applied annually, so it is managed as a system over a several year crop rotation. The animal unit to acreage ratio is not directly indicative of an issue with land base or size. Nutrient management plans are required to demonstrate that an operation can properly land apply waste generated by the operation by considering many factors including current soil nutrient levels, crop nutrient demand, nutrient levels in land applied materials, and field characteristics (soil type, slope, etc.). As a system these must balance and meet requirements within UW Recommendations in order to be an approvable plan.

Comment: Many fields are already excessively high (>35 ppm) for phosphorus including fields T11628 23, T1695 11, T1730 3, T4843 5, T 4852 24, and T4852 6. There is no economic or environmental benefit to adding nutrients to these fields. Additional phosphorus will runoff to surface waters. DNR should ensure there will be a consistent decrease of soil phosphorus levels toward optimal soil phosphorus levels (35 ppm).

Response: NR 243.14 limits commercial Phosphorus (P) applications when fields are over 50ppm soil test P. It also requires a rotational P drawdown on fields with a soil test P over 100 ppm or higher and an outright prohibition of P applications from manure/process wastewater on fields with a soil test P of 200ppm or higher.

Comment: Fields have high risk of runoff due to being located on ridgetops and having slopes that range from 9% to 45%. This is especially problematic when landspread materials are not incorporated or are surface applied to frozen/snow covered ground.

Response: All fields in CAFO nutrient management plans are required to meet the tolerable soil loss requirement for each specific field. If fields do not meet the tolerable soil loss requirement, they are prohibited from receiving any nutrients. The slope of the field is incorporated in the calculation for each field's tolerable soil loss. NR 243.14, Table 5 provides additional restrictions for emergency surface applications of liquid manure on frozen or snow covered ground such as disallowing land application on sites with a slope over 6%.

Comment: 379 acres have soils with high bedrock or groundwater and manure spread at 15,000 gallons per acre will infiltrate to groundwater.

Response: NR 243.14 prohibits manure/process wastewater applications on soils that have less than 24 inches to bedrock or groundwater. If land spreading sites contain areas of high bedrock then field verification is required to demonstrate they meet the required setback.

Comment: Many fields have calculated Rotational Average Soil losses that are very close to the Tolerable Soil Loss (T) levels. T is exceeded during some years of the report period. Fields with a Phosphorus Index of 6 include T 4852 24 (4.2 acres) and T4843 5 (0.7 acre).

Response: The operation's nutrient management plan demonstrates that these fields are meeting compliance over the rotation for tolerable soil loss, and the Phosphorus Index (PI) is at 6 for these fields which is within limits for the rotation. The permittee demonstrates annually that fields meet tolerable soil loss and PI requirements.

Comment: Nutrient management plans are designed to maximize profit, not to protect the environment. Additional regulations should be required.

Response: The nutrient management plan for the operation was reviewed and approved in accordance with NR 243.14, Wis. Adm Code, which contains numerous nutrient management plan conditions that are intended to be protective of water quality. Any precipitation-related discharges of pollutants which occur from land application areas after compliance with permit and nutrient management plan requirements are considered agricultural storm water discharges which are not subject to WPDES permitting.

Comment: Signed contracts with landowners to properly document the number of spreadable acres should be required. What happens when Roth Feeder Pig II loses a land rental contract?

Response: The department may require contracts if it believes that acreage is extremely limited or if it is suspected that the operation does not have permission to land apply manure/process wastewater on certain fields. The department did not deem it necessary to require land contracts for this NMP.

Comment: Fields T4122, T3593, and T5717 owned by the Mitchell Brothers are already used by Roth Feeder Pig Inc.

Response: These fields are not present in both plans. Roth Feeder Pig Inc and Roth Feeder Pig II have made clear divides in which land will be present in each NMP moving forward. As part of the review this was verified and confirmed so there are clear land bases in each respective NMP.

Comment: The nutrient management plan does not meet NR 243.14 or the policy/purpose of Ch. 283, Wis. Stats.

Response: The department has determined that the nutrient management plan does meet the requirements contained in NR 243.14, Wis. Adm. Code, and ch. 283, Wis. Stats.

Comment: The Runoff Risk Assessment Tool should be incorporated into the permit. Spreading should not be allowed when the risk of runoff is "severe."

Response: The department does not have authority to require this tool be incorporated in the permit. However, the department recommends that all farms use this tool before land applying manure/process wastewater. NR 243.14 does contain numerous requirements that are reflected within the Runoff Risk Assessment Tool such as disallowing surface applications when precipitation capable of producing runoff is forecasted within 24 hours, disallowing applications on saturated soils, and disallowing application when snow is actively melting.

Comment: Fields in the nutrient management plan are still receiving nutrients and being managed in 2020. As such, information in the plan is outdated and should be updated.

Response: The operation is required to maintain an up-to-date NMP which accounts for all nutrients applied to each field. The operation is required to submit an updated plan to the department annually by March 31 to show NMP requirements are being met.

Comment: It appears that Roth Feeder Pig II intends to combine smaller fields with contour crop strips into larger fields. The operation also appears to expand fields to original field boundaries. This causes gullies and concentrated flow paths that will lead to runoff from the land application sites.

Response: Fields can be managed in a manner determined by the landowner as long as compliance with NMP requirements is maintained. The following criteria at minimum would be required: maintaining tolerable soil loss limits, keeping phosphorus index within limits, and monitoring/maintaining the field to prevent gullies or improperly management areas that could cause washouts. The operation is required to monitor and manage spreading sites to maintain compliance with NMP requirements.

Comment: CAFO operators work with row croppers (corn & soybeans) to spread manure. These systems reduce ability of landscapes to retain runoff causing peak flows, erosion and sedimentation, and increased flooding.

Response: Fields in CAFO NMPs are required to meet a rotational Phosphorus Index and must meet the specific tolerable soil loss. These requirements reduce the risk of erosion and sediment loss from fields in the NMP. The operation's NMP meets these requirements.

Comment: The Silurian bedrock standard was adopted for the eastern part of the state due to manure spreading causing groundwater impacts. Crawford county geology is very similar and may be more susceptible.

Response: The NR 151 Silurian Bedrock Targeted Performance Standard is not enforceable in counties not listed in the rule. NR 243.14 prohibits manure/process wastewater applications on soils that are less than 24 inches to bedrock, which is consistent with this standard.

Comment: Water quality permit regulations are often inadequate for CAFOs. Extreme weather is making regulations more inadequate. Is the site resilient and adaptable to extreme weather of greater than 100-year events? Provide documentation on resiliency and this type of land use for the nutrient management plan. Controls for a 100-year event over 24 hours provides inadequate protection, especially in extreme ongoing weather conditions. Will the designs withstand extreme weather events? Extreme weather events have become more common over time and 10 of the last 17 FEMA flood events involved Crawford County. Extreme weather will cause storages to overtop.

Response: The waste storage design plans and NMP have demonstrated compliance with the applicable standards (NRCS 590, NRCS 313, NR 243, etc.). Waste storage facilities for new source swine operations are required to be constructed to withstand a 100-year, 24-hour storm event. The risk of water quality impacts from overtopping storage facilities is significantly reduced since the production area is proposed completely under roof so that no precipitation enters the storages. The production area is also located on a ridge top, which reduces potential impacts from flooding.

Comment: Clay soils at the production area do not limit leaching of nitrates.

Response: The reviewable facilities at the production area are not relying solely on clay soils to limit infiltration. The waste storage facilities and composting area is proposed to be constructed with materials consisting of concrete with waterstop. This is a robust liner type that conforms with the NRCS 313 standard. When compared to other major soil types such as silt or sand, clay soils do provide additional protection from infiltration.

Comment: There is a funnel-shaped landform and severe gully erosion along the edge of the ridge where the farm is proposed. Evidence of historical terracing and/or contour strip cropping to address erosion issues on the ridge.

Response: Review of the operation's plans and specifications did not identify any karst features within 1000 feet of the proposed production area. The feature described in the comment was considered. It is believed to be an NRCS type grade control structure. Refer to the conditional approval letter for the plans and specifications for additional information. Terracing and contour strip cropping are common agricultural practices for this area.

Comment: Liquid manure should require composting. A wastewater treatment plant should be required to treat manure and process wastewater from Roth Feeder Pig II. Manure and process wastewater should be used to power the farm and neighboring homes. Why should residential

properties be required to have a septic system while the combined Roth facilities land apply 12.5 million gallons of raw hog manure every year on highly permeable land?

Response: Storage of manure and process wastewater and the subsequent land application of these stored materials is considered the best technology for CAFOs under federal NPDES requirements. Pursuant to Chapter 283, Wis. Stats., DNR cannot require more stringent technology-based limitations, such as requiring other methods of manure treatment. Operations can voluntarily choose to install more advanced manure treatment technologies.

Comment: Roth Feeder Pig II cannot safely contain the amount of manure and process wastewater being generated. Require more storage capacity to allow for periodic inspections of the floor and to prevent spreading in poor conditions.

Response: CAFOs are required to maintain at least 180 days of liquid manure storage. Roth Feeder Pig II has two manure storage systems. The Gestation Barn waste storage facility provides 299 days of storage for liquid manure and process wastewater. The GDU Barn waste storage facility provides 251 days of storage for liquid manure and process wastewater. The total amount of storage is well above the required 180 days to avoid land application during unfavorable weather conditions. Inspections of storage facility floors would only be required if an engineering evaluation of the waste storage facility is required in accordance with s. NR 243.16(2). Having two separate storage facilities should allow the farm to maintain adequate storage while one is temporarily emptied for an inspection.

Comment: Bedrock needs to be removed to meet separation distance due to this being a sensitive environmental setting. This site is inappropriate for a CAFO.

Response: WPDES permits for CAFOs do not prescribe where an operation may or may not locate. WPDES permits include requirements that are protective of water quality should a CAFO decide to locate at a given site. The permitting and associated review processes are intended to help ensure that CAFOs meet applicable design standards and permit requirements to protect water quality. The plans and specifications package was conditionally approved on August 5, 2020. It is allowable and common practice to remove bedrock to meet separation distances contained in NRCS 313.

Comment: Would a spill of any size from where the waste storage flow toward the area mapped as surface waters and to the possible sink hole shown on the Karst Viewer on the website for the Crawford County Stewardship Project?

Response: The waste storage facilities were conditionally approved and meet the requirements of NR 243 and NRCS 313. The Gestation Barn waste storage facility provides 299 days of storage for liquid manure and process wastewater. The GDU Barn waste storage facility provides 251 days of storage for liquid manure and process wastewater. Permitted facilities are also required to develop an Emergency Response plan to respond expeditiously to spills if they do occur. Each of the waste storage facilities are located under roof and do not collect direct precipitation or precipitation runoff. These characteristics minimize the potential for production area discharges to waters of the state. Impacts may still occur, particularly in cases of permit noncompliance; however, the permit provides a means to avoid potential impacts to water quality and address those impacts if they occur.

Comment: Require a leak detection system beneath the waste storage facilities.

Response: The storage facilities contain perimeter drain tile system that will be monitored for leakage. The drain tile enters a 12-inch diameter manhole with a sump 2-feet deep. The manhole contains a valve that can be closed. This would allow the operation to pump manure and process wastewater back into the waste storage facility if a leak occurs.

Comment: None of the borings penetrated deeper than 20 feet. We do not know anything about the underlying geology.

Response: Soil borings confirmed the required NRCS 313 setbacks to bedrock or subsurface saturation. The department does not have authority to require deeper soil borings. The operation has agreed to allow the Wisconsin Geological and Natural History Survey to conduct a borehole geophysical survey of the proposed private well to learn more about the underlying geology.

Comment: Waste levels in manure storage facilities should be recorded. Waste storage facilities should have a maximum capacity determined. Manure and process wastewater should be hauled outside of Wisconsin.

Response: Waste levels in liquid storage facilities are required to be recorded on a weekly basis ([NR 243.19\(1\)\(a\)3](#)). Permanent markers to represent the margin of safety and maximum operating levels are required for liquid manure and process wastewater storage and containment facilities ([NR 243.15\(3\)\(e\)](#)). The department does not have authority to require manure and process wastewater to be hauled outside of Wisconsin.

Comment: Set a maximum animal unit capacity for the operation.

Response: The department does not prohibit operation expansion at a given operation under the WPDES permit program. Instead, the department monitors compliance with permit requirements to maintain adequate storage and land base for storing and land spreading manure and process wastewater. A maximum animal unit capacity is not necessary for Roth Feeder Pig II at this time.

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 department's ePermitting system at <https://dnr.wisconsin.gov/permits/water>.

Comment: The application lacks proper animal mortality information. Carcasses cause odor, attract vectors, and create unsanitary conditions. There are no plans to mitigate odor. What happens if African Swine Fever creates the need to compost thousands of carcasses?

Response: WPDES permits are designed to protect water quality. NR 243.13(8), Wis. Adm. Code, describes requirements for mortality management. Carcass disposal cannot result in a discharge of pollutants to surface waters, violate groundwater standards or impair wetland functional values. In addition, the permittee shall maintain records of mortality management and disposal methods. Roth Feeder Pig II is planning to construct a composting area to manage animal mortalities. The compost area received plans and specifications approval on August 5, 2020 and meets the requirements of NRCS 313, NR 243.15(8) and NR 502.12. Finished composted materials shall be land applied in accordance with the operation's approved nutrient management plan.

Comment: There is little oversight for CAFO facilities and spreading sites and they are not held accountable. Who is fiscally responsible when the Kickapoo River eventually becomes contaminated? All CAFOs end up polluting the environment and are not held accountable.

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 construction activities and (6) responds to spills should they occur. Documented noncompliance is subject to DNR compliance and/or enforcement measures.

Comment: Attendance at hearing is declining. People don't attend since they don't believe attendance will have an impact. People have lost trust in the DNR and the permitting process. How many CAFOs have not received final approval over the last 5 years? The permit process is a farce. DNR has never adjusted or amended its requirements for a CAFO permit after a public hearing despite its ability to do so.

Response: The DNR is delegated by the US Environmental Protection Agency (EPA) to implement the NPDES permit program (in Wisconsin, referred to as the WPDES permit program). One of the greatest successes of the adoption of the Clean Water Act was the creation of a "permit" system (the NPDES permit program) to replace the previous regulatory system. That previous system was "order" based, which allowed discharges to occur until and unless an order was issued mandating better pollution control. The cost and difficulty of proving environmental contamination made that approach essentially ineffective.

The key advantage of the NPDES/WPDES permit program is that it sets out the terms and conditions under which a facility not only needs to operate but also needs to self-monitor and self-report. There is a significant difference between simply denying or restricting someone's ability to operate or expand and, conversely, allowing one to operate but under precise, legally and technically defensible conditions designed to protect state ground water and surface water standards using the best science available. In addition, the NPDES/WPDES permit program requires public notice of and comment periods for all issued/reissued permits. As part of this process, the DNR reviews and responds to all comments received during the public comment period associated with a WPDES permit. Where warranted, we will make changes to the final issued or reissued version of the permit based on submitted comments. Numerous changes to past permits have occurred due to input received from the public.

Comment: The DNR's defense of Roth Feeder Pig II at the public hearing was flimsy.

Response: The permit application materials for the operation meet the applicable requirements. The purpose of the public hearing was to briefly describe the proposed permit for Roth Feeder Pig II and to listen to comments from the public. Comments were summarized and responded to within this document.

Comment: Daily, weekly, monthly, and other inspections by CAFO operator are not likely especially when economic conditions are tough like in a pandemic. During times of economic stress like the recent pandemic, how is the CAFO owner going to comply with the inspections?

Response: Daily, weekly, and quarterly inspections are required regardless of current economic conditions. The farm must submit an annual report containing evidence of required inspections on January 31. The department follows the stepped enforcement process when permittees fail to conduct inspections and/or maintain records in accordance with their monitoring and inspection program.

Comment: Roth I and Roth II should be processed as a single animal feeding operation based on co-ownership, shared waste storage facilities, and spreading equipment.

Response: NR 243.03(4), Wis. Adm. Code, describes the criteria when considering two Animal Feeding Operations as a single operation. It is a two-step determination. First, common ownership or management must be determined. In this case, the two operations are clearly owned by the same person. Second, it must be established that the facilities are either adjacent, use common land spreading systems, or commingle manure in a common storage facility. The two CAFOs are not adjacent, do not share a common landspreading system, and do not plan to commingle manure within a common storage facility. The comment further mentions that the two facilities will share a storage facility during the winter months. This is not planned to be a regular occurrence and may never actually happen. In lieu of identifying fields appropriate for emergency winter spreading, each operation has identified a storage facility that could provide additional storage capacity. This is a safeguard to prevent an overtopping waste storage facility or to prevent land application during unfavorable field conditions. Since Roth Feeder Pig, Inc. has 401 days of liquid storage capacity and Roth Feeder Pig II has 258 days of liquid storage capacity, it is unlikely that a liquid manure transfer would ever occur. CAFOs in Wisconsin are required to maintain 180 days of liquid storage capacity.

Comment: Laws exist to protect fish from overharvest, but laws do not exist to protect fish from agriculture. Industrial agriculture should have different standards to protect air, water and soil.

Response: Small and medium animal feeding operations are required to meet agricultural performance standards and prohibitions contained in NR 151, Wis. Adm. Code. Large CAFOs are required to meet requirements of NR 243, Wis. Adm Code, which also adopts livestock performance standards and prohibitions including NR 151.05 through NR 151.08, Wis. Adm. Code. Permitted operations follow more stringent requirements to protect water quality. An air permit is only required if emissions thresholds are exceeded. Roth Feeder Pig II does not require an air permit at this time.

Comment: The Public Trust doctrine should be integrated into the permitting decision.

Response: Since 1787, when the Northwest Ordinance was adopted to govern the Wisconsin Territory, the state's navigable waterways have been considered public and for use of all citizens. Article IX of the Wisconsin Constitution declares that all navigable waters are "common highways and forever free" and held in trust by the state of Wisconsin.

Wisconsin's Public Trust Doctrine requires the state of Wisconsin to intervene to protect public rights in the commercial and recreational use of navigable waters. The DNR does this through permitting requirements for water projects (such as this permit), court action to stop nuisances in navigable

waterways and statutes authorizing local zoning ordinances that limit development along navigable waterways.

Comment: The DNR isn't working towards its mission statement by issuing a permit to Roth Feeder Pig II.

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

Comment: The total is actually 8160 animal units.

Response: The total number of animal units to be housed by the operation is 2981. The permit application reflects 8160 head of swine including 5144 sows, 960 nursery pigs, 2008 gilts, and 48 boars. These animal types range from 0.1 to 0.5 animal unit per head.

Comment: The permit allows discharges to groundwater. This is our drinking water. The permit also allows Roth Feeder Pig II to discharge to the Kickapoo River via an unnamed tributary. DNR cannot guarantee this operation will not harm Wisconsin citizens. Therefore, the permit should be denied.

Response: The department recognizes the public's concern for protecting water quality. Risks to water quality are minimized when operations adhere to the conditions in the permit and the practices outlined in their nutrient management plan. 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. The permit does allow for discharges to surface water and groundwater in accordance with NR 243.13 as long as water quality standards are not exceeded.

Comment: Several comments described the inadequacy of the environmental analysis questionnaire (EAQ). The EAQ fails to mention downstream wetlands. The EAQ states property values will be unaffected; however, property values have been shown to decline by as much as 17%. The EAQ does not discuss alternatives to the project. The EAQ fails to describe that there is only a 20" separation to limestone bedrock throughout the Roth Feeder Pig II site.

Response: The Environmental Analysis Questionnaire (EAQ) was originally submitted with the permit application on May 26, 2020. Additional information was requested on August 10, 2020 and was received on August 24, 2020. A wetland map was included with the EAQ for the production area. There are no wetlands within 2500' of the production area. Restriction maps within the NMP show wetland locations in relation to land application sites. The EAQ mentions that property values are anticipated to increase or remain the same. The EAQ states that the project location was determined based on the availability of land application sites. It is assumed that alternatives were not analyzed since the farm does not have land spreading agreements in other areas. The site meets the required separation to bedrock. Manure or process wastewater may not be land applied on areas with less than 24" to bedrock. Bedrock at the production area will need to be excavated to provide the required 1.5 ft separation distance to bedrock.

The department 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>. The section pertaining to property values starts on p. 137. This document provides additional information related to projects such as this one, including discussions related to the issues identified in the comments.

Comment: There is concern about endangered and threatened species in vicinity of the proposed operation. USFWS reports at least 12 species in or near Crawford County.

Response: An endangered resource review occurred for the Roth Feeder Pig II construction site. No threatened or endangered species are anticipated to be impacted.

Comment: The proposed permit should be denied due to being located in close proximity to indigenous burial sites and mounds. All uses (recreation, cultural, historic) of the proposed area should be considered.

Response: An archaeological and historical resource review occurred for the Roth Feeder Pig II site. No archaeological or historical resources are anticipated to be impacted.

Comment: Emergency response planning should be a high priority. The farm is located on a small gravel road, which makes emergency response challenging. Manure hauling will be conducted on steep, narrow, winding roads and the potential for a truck to tip is high. Comments expressed concern that water quality and ecological degradation would occur due to spills from the production area (storage leaks) and at land application sites (dragline hose leaks, trucks tipping over). The emergency response plan included with the application is from 2007 and was simply copied from Roth Feeder Pig Inc. DNR should require more information from the applicant about emergency response before considering permitting.

Response: An emergency response plan that meets NR 243.15(7) is required to be developed and posted at the production area and with land application equipment within 30 days of permit issuance.

Comment: Roads are already inadequate to handle the increased traffic from the proposed operation. The operation increases the potential for accidents and road damage. Roth Feeder Pig II won't repair the roads. Local taxes will increase to repair roads.

Response: The department does not have the authority to dictate traffic patterns and funding for infrastructure. This is addressed at the local level. WPDES permits are intended to protect water quality.

Comment: The proposed operation will negatively impact air quality due to the storage and land application of manure and process wastewater. Roth Feeder Pig II decided not to calculate odor emissions even though DNR asked for the calculations. These impacts will result from increased emissions of particulate matter, carbon dioxide, ammonia, VOCs, methane, and hydrogen sulfide. Quantities of these hazardous air pollutants (HAPs) should be calculated. HAPs can also settle in valleys and pose an increased risk to low lying households. CAFOs are required to control these emissions if they have the potential to emit more than 10 tons per year of any single HAP or 25 tons per year of any combination of HAPs. Large vehicle traffic will also increase exhaust emissions, particulate matter, and fugitive dust concerns. These impacts increase the risk to respiratory health

and can have severe impacts to human health if located downwind of the proposed operation. How is air quality monitored at CAFOs? A recent study suggested 17,900 deaths are attributed to U.S. agriculture resulting in reduced air quality. Clarify which best management practices are intended to reduce air quality impacts. The applicant stated NR 445.08(6)(d) prohibits the department from regulating emissions of hazardous air contaminants associated with agricultural waste. However, the department is not prohibited from regulating air emissions “to the extent required by federal law.”

Response: The department 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.

The WPDES permit program is based on water quality protection 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>. REA Engineering calculated ammonia and hydrogen sulfide emission estimates for the operation. It was estimated that ammonia emissions would be 118 to 294 pounds per day. Hydrogen sulfide emissions were estimated to be 7.4 pounds per day. Neither estimate triggers the emissions threshold such that an air quality permit is required.

The Wisconsin Division of Public Health (DPH), in cooperation with the Agency for Toxic Substances and Disease Registry (ATSDR), and the U.S. Environmental Protection Agency (EPA), monitored air quality near the existing Roth Feeder Pig farm, in Wauzeka, Wisconsin. Air monitoring was conducted at a single downwind residential location over two, 2-week periods in late May to early July 2009. The objective was to obtain air concentration data for hydrogen sulfide, in response to odor complaints and community health concerns, and to evaluate whether exposure to hydrogen sulfide is occurring at levels of health concern for residents. The following is a brief summary of the study.

Conclusion: DPH concludes that exposure to hydrogen sulfide in air at locations near the AV Roth Feeder Pig farm is not expected to harm people’s health.

Basis for decision: Air monitoring indicates that hydrogen sulfide can at times be detected as an odor, but is not concentrated enough to be harmful.

Next steps: To protect community health and well-being: DHS recommends the adoption of best practices at the AV Roth farm to minimize any nuisance odors affecting neighbors.

A copy of the report can be found at the following link:

<https://www.atsdr.cdc.gov/HAC/pha/AVRothFeederPigFacility/AVRothFeederPigFacilityHC09-30-2009.pdf>.

Comment: An economic evaluation for the area is necessary. Local communities pay the price when nutrient releases occur through increased costs for drinking water (new private wells, increased wastewater treatment taxes). Water utilities are already being forced to upgrade systems to comply with more stringent nutrient requirements but cannot afford the costs. Negative impacts to tourism,

recreation, and small businesses will occur. Crawford County depends on tourism. The economic impact is already occurring due to neighbors of Roth Feeder Pig II moving. The proposed operation will deter investment and job opportunity. CAFOs do not create good paying jobs and often export goods. CAFOs are not economically efficient due to subsidies. Residential homes and farmland near the proposed operation will decrease in value. Roth Feeder Pig II should be responsible for any decreases in property values. The proposed operation will make nearby properties uninhabitable.

Response: Roth Feeder Pig II completed an Environmental Analysis Questionnaire (EAQ) as part of their permit application. The response to #14 in the EAQ contain information pertaining to many of the issues described in the comment. The permit application can be found at

<https://permits.dnr.wi.gov/water/SitePages/DocSetViewDet.aspx?DocSet=AG-APP-WC-2020-12-X04-23T14-01-25>.

For further information related to the economic impact associated with permitted farms, please view the environmental assessment for the Large Dairy General Permit

(<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.

Comment: Roth Feeder Pig II should be required to set aside a large cleanup fund. The operation should also have adequate insurance to cover spills and damages.

Response: The department does not have authority to require Roth Feeder Pig II to set aside a large cleanup fund nor have insurance for spills and damages. The operation is required to maintain an emergency response plan to efficient respond to spills to minimize potential impacts to the environment.

Comment: This is an environmental justice concern due to lack of resources to resist CAFOs in rural areas.

Response: Comment noted. The site was analyzed utilizing EPA's environmental justice mapping and screening tool (<https://ejscreen.epa.gov/mapper/>).

Comments: The department received a number of comments that were not specific to the conditions being modified in the WPDES permit or did not provide any specific suggestions. These issues are identified below to acknowledge these broader issues of concern to the public.

- AV Roth is a 5th generation farmer.
- Roth Feeder Pig Inc. is a centennial farm in Crawford County.
- AV Roth cares about water quality. His family drinks water at both farm locations.
- 20 jobs will be created by Roth Feeder Pig II.
- I built two 6000 head swine facilities in Illinois in 1998. We have had no environmental issues during 23 years of operation. As long as Mr. Roth abides by the rules his facilities should produce the same results. I would encourage you to approve his facilities without unnecessary additional burdens.
- Roth Feeder Pig II raises feeder pigs. There will be demand for finishing operations, too. Additional facilities will follow.

- Remember the mega farmer can afford to have a deeper well drilled. The average citizen can't.
- CAFOs are terrible, especially for the animal. No to all factory farms. Another model is worth looking at.
- Given the track record from Roth Feeder Pig I, noncompliance is likely, and violations are going to occur.
- Value small farms that support local community. CAFOs destroy small farms.
- Roth Feeder Pig Inc.'s nutrient management history demonstrates insufficient land base for the nutrients produced. Wherever Roth Feeder Pig Inc. spreads, there has been a rapid increase in soil test P levels. Even beyond 200 ppm. This also indicates high levels of N leaching.
- Many examples of contaminated surface water, groundwater, fish kills from CAFOs.
- CAFOs caused destruction in Kewaunee County. The groundwater is irreversibly polluted in this area.
- Crawford County Public Health Dept is not fully staffed and lacks funds.
- American Public Health Association (APHA) recommended a moratorium on CAFOs.
- There is existing legislation proposed in the U.S. Congress, Farm System Reform Act that is calling for an immediate moratorium on CAFOs.
- it seems that regulators hands are being tied while the general public is subjected to the consequences and expense of corporate exploitation. Regulators lack strength/courage to stand up to powerful business interests.
- PPA exploit local resources to sell product to China. No hogs are marketed locally.
- Heaps of overlay and waste from the American taking of the galena mines is currently contaminating the water supply in southwest Wisconsin.
- Emerald Sky Dairy caused numerous environmental impacts.
- Crawford County Board agreed to a moratorium, but study was not able to be conducted due to the pandemic.
- MPCA has been developing an environmental review process that considers emissions in all feed lot permitting.
- Why put the need of one family above the need of many others.
- Roth Feeder Pig Inc was unable to move hogs a year ago and didn't know what to do. This is unacceptable.
- Roth Feeder Pig Inc has high levels of phosphates, e coli, and nitrates in proximity to farm.
- DNR staffers would probably lose their job if they denied the application.
- As a business owner, it is unfathomable that a business would consider a proposal that puts so many lives at risk. Don't know how Mr. Roth can sleep at night.
- Sand Creek only took a couple hours to drain after a major rain event.
- Need to stop CAFOs – surgically remove them.
- Roth Feeder Pig Inc had too much manure and too few acres. NMP shows that P is building.
- I have seen damage from CAFOs in La Crosse County. Groundwater contamination by nitrate from CAFOs. This damage is permanent and has human health consequences. DNR was monitoring the damage but did not notify residents of the groundwater contamination.
- All other pig farms went out of business. Why should one prosper while all others lose their livelihood? Food supply shouldn't be in the hand of one farmer – what happens when he's gone? Small farms need to come back.
- The County Board supported Roth because “we don't want farmers to not feel welcome.”

- Such a permit will become a blueprint for CAFO expansion throughout WI
- Wild Rose Dairy and Mlsna have contaminated surface waters
- I've been very disappointed by DNR's inadequate approach to permitting CAFOs.
- I'm also very disappointed with you, Gov. Evers. I voted for you because I thought you would prioritize clean water over mega farm profits. DNR has already endangered my own well water in granting Wild Rose Dairy's expansion without regard to the sensitive karst geology in our area, the increasing flood events here, and Wild Rose's well documented shoddy management. DNR glossed over or simply disregarded scientific evidence presented in the response to the concerns raised at the public hearing.
- Please care about Creation
- CAFOs have a negative impact on quality of food
- CAFOs are a shockingly inhumane form of raising livestock for human consumption
- Support more funding for DNR oversight
- If you are in support of Roth Feeder Pig II, I'd be inclined to support deeply looking into your financial ties to such companies.
- This is not a farm, but more a farm factory of animals.
- My well is near the Wisconsin River had nitrate measured at 32 mg/L and is located downgradient from a hog operation.
- Nitrate levels in Spring Green groundwater are already rising.
- Upset the County CAFO Moratorium was not extended.
- Most of us believe that DNR is doing the bidding for Roth, Smithfield and JBS pork processors which are 100 % owned by the Brazilians and Chinese.
- It's no wonder the small farmer is going out. They get fewer tax breaks, grants, and programs helping them than the mega farmer it seems. Change some of those laws and stop helping the mega farmer.
- Whether it is the construction of the state's largest hog farm in Crawford County, massive PFAS pollution in La Crosse County, or lead pipes in Milwaukee, Wisconsin's clean water is under attack.
- Please support more funding for DNR oversight of these areas, stronger environmental impact requirements and assistance for small farmers who are working toward regenerative agriculture.
- The DNR used to be viewed with some trepidation by people in this state because they knew they could get in lots of trouble for polluting.
- I have monitored downstream of Roth Feeder Pig Inc and there is nothing living in the water. If it happened at the smaller operation then it will happen at the larger operation.
- do we want to perpetuate the production of meat that may be cheaper to buy but in the long run creates unsustainable damage to the public health, in terms of metabolic syndromes and NCDs (non-communicable diseases)?
- Don't you find it interesting that the only person to testify at your public hearing in favor of the pig factory was the millionaire who stands to gain even more millions if you approve this bad idea?
- CAFOs receive large taxpayer funded AG subsidies, grants, and tax write-offs. Their Right to farm, directly and indirectly negates their neighbors Right to live a quality life on their homesteads.

- I believe it was 2019, when Wisconsin boasted - "This is the year of clean water!" And now, we have to fight this hard to just get the DNR to do their job to protect our water.
- In California, we have seen the devastating environmental and human impact caused by CAFOs. From fatal and near-fatal cancer to the effects on air and water quality and supply to its neighbors for miles around, to plunging real estate value and loss of tourism dollars.
- By refusing to graciously step aside as board members usually do, Prehn is effectively denying Sandy her vote on the board.
- On June 9, a manure spill into Devils Creek, at the headwaters of the Wisconsin river resulted in yet another fish kill.
- We all know what happened to Iowa's water due to the mind boggling number of swine herds there over the years. Now farmers are moving north because that land is polluted and can handle no more CAFO's.
- Livestock Siting Law is what it is.
- Community should have final say in siting of a CAFO.
- My house is closer to the building site than Eric Melins house is. I have not signed off on ANYTHING about the CAFO. In fact, the only legal drive entrance for them is 15 feet from my mailbox at the end of my driveway.
- Noise will increase at all hours of the day.

Response: Comments summarized above either made no specific suggestions to the proposed permit or were not germane to the modified aspects of the permit; therefore, no changes were made to the permit based on these comments.