ENVIRONMENTAL ANALYSIS AND DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS)

Form 1600-8

Department of Natural Resources (DNR)

Region or Bureau Northeast Region
Type List Designation Type II

NOTE TO REVIEWERS: This document is a DNR environmental analysis that evaluates probable environmental effects and decides on the need for an EIS. The attached analysis includes a description of the proposal and the affected environment. The DNR has reviewed the attachments and, upon certification, accepts responsibility for their scope and content to fulfill requirements in s. NR 150.22, Wis. Adm. Code. Your comments should address completeness, accuracy or the EIS decision. For your comments to be considered, they must be received by the contact person before 4:30 p.m., August 8, 2001.

Contact Person Dave Bougie
Title Animal Waste Specialist
Address Wisconsin DNR PO Box 10488 Green Bay WI 54307-0448
Telephone Number (920) 448-5130

Applicant: Jim Mahoney

Mailing Address: 8641 Hwy 32

Title of Proposal: Suring Community Dairy, LLC WPDES PERMIT APPLICATION

Location: E ½ of NW ¼ of Section 10, T29N, R17E, How Township, Oconto County

PROJECT SUMMARY – DNR Review Information Based on:

1. General Project Description

This environmental assessment is associated with Wisconsin Pollutant Discharge Elimination System (WPDES) permitting and approval actions for a proposed dairy expansion at Suring Community Dairy. Suring Community Dairy is proposing an expansion that will cause this operation to exceed 1000 animal units. Suring community Dairy, LLC is an operation that has not held a WPDES permit in the past. Permits are normally issued for up to five years. The proposed effective date is August 23, 2001 and the proposed expiration date is June 30, 2006.

Suring Community Dairy is an existing dairy with a proposed expansion to a large dairy, which will eventually house 1725 head of dairy cattle. The dairy facility is located just west of Highway 32, one and three quarter's miles west northwest of the town of Suring. Presently Suring Community Dairy has one large freestall barn, an exception barn, a milking parlor, a holding area, and a feed bunker storage structure. These facilities were constructed in 1999 and 2000. Presently they are milking approximately 600 cattle with heifers and dry cattle housed off site in locations that are not adjacent to the operation site. In addition there is a barrow pit approximately 420 feet long by 200 feet wide, which will be converted to a manure storage structure to contain the manure generated from the 1725 head of cattle for six months of

storage. They are currently daily hauling manure from the existing operations.

Expansion Overview: Future plans call for the construction of an additional freestall barn, a dry cow exercise area with an associated filter strip, a dry cow barn, a manure transfer system, and a manure storage structure. Construction of these facilities is scheduled to occur in 2001 - 2002. The owners expect to fully populate the two free stall barns, dry cow barn, and exercise area over the next two years, housing a total population of 1725 cattle. This operation will consist of full grown cattle and heifers equivalent to 2415 animal units when filled to capacity.

In addition, plans call for the construction of a manure biogas digester to be constructed. The time of construction and type of digester has not been established. The permit has provisions that call for DNR review and approval 90 days before the digester is put into operation. The items that must be reviewed at a minimum are the amount of influent, percent of the total waste this influent represents, and a full chemical description of the waste product produced from the digest.

The water usage for this operation is expected to be approximately 12,800 gallons per day. The manure generated when this operation is fully populated will be 8.38 million gallons per 180 days; this includes animal waste, and bedding material. The storage of the waste will be contained in a proposed storage facility with a total capacity of 9,643,270 gallons. The additional storage is to accommodate rainfall runoff to the facility, solids that will not be removed when emptying the facility, and to maintain one foot of freeboard at capacity.

The projected cost for construction for the remaining facilities and structures is estimated at $2,230,000

The Department of Natural Resources has the following authorities regarding this operation:

- Wisconsin Pollution Discharge Elimination System (WPDES) Permits for Concentrated Animal Feeding Operations (CAFO), for those operations equal to, or greater than 1,000 animal units
- Emissions limitations from s. NR 415.04, Wisconsin Administrative Code, covering fugitive dust sources and s. NR 415.05, Wisconsin Administrative Code, covering emissions of particulate matter from processes
- Odor control requirements may be imposed by order of the Department if the Department determines that a violation of s. NR 429.03 – Malodorous Emissions, Wisconsin Administrative Code occurs
- Wisconsin Pollutant Discharge Elimination System (WPDES) Permits for Land Disturbing Construction Activities affecting five or more acres (WI-0067831)
- Review and approval authority of manure storage facilities and runoff control systems
- Manure Management Plan review and approval
- Notice of Intent (NOI) for land disturbing construction activities

2. List documents, plans, studies or memos referred to and provide a brief overview

The following documents have been used in conducting this environmental assessment:

- Wisconsin Pollutant Discharge Elimination System (WPDES) Permit application completed by James Mahoney, Suring Community Dairy
- Environmental Analysis Questionnaire for Livestock Operations completed by David McDaniel, Tiry Engineering
- Preliminary Manure Management Plan prepared by Eric Anderson, Pulaski – Chase Co-op
- Preliminary engineering design review by Bob Wilson – Wisc. Dept. of Agriculture, Trade, and Consumer Protection
- Soil survey maps, topographic maps, wetland maps and aerial photographs
- Internal Department correspondence regarding possible environmental impacts associated with the operation
- The Engineering Report completed by Tiry Engineering

DNR EVALUATION OF PROJECT SIGNIFICANCE (complete each item)

1. Environmental Effects and Their Significance

Discuss the short-term and long-term environmental effects of the proposed project, including secondary effects, particularly to geographically scarce resources such as historic or cultural resources, scenic and recreational resources, prime agricultural lands, threatened or endangered species or ecologically sensitive areas, and the significance of these effects. (The reversibility of an action affects the extent or degree of impact.)

Physical

Suring Community Dairy is a proposed expansion that will be constructed and populated over the next two years. The site has most recently been used for cropland or other agricultural related purposes. In many respects, building the operation will result in the conversion of the land from one type of agriculture use (crop production) to another (milk production).

Approximately 25,000 cubic yards of soil and 33 acres of land will be disturbed over a period of two years as a result of construction of the facilities associated the expansion of the operation. The construction will consist of a free stall barn, dry cow barn, dry cow exercise area and associated grassed filter strip, the feed storage leachate collection system and associated grassed filter strip, and animal waste storage facility.

Short-term physical impacts would be primarily associated with construction activities at the site. Disturbance of former cropland or agricultural related lands, noise and dust from machinery and traffic from construction equipment are the expected short-term environmental impacts. Storm water runoff from the site during the construction phase could also result in environmental impacts such as silt and sediment being transported to area wetlands and surface waters. If properly controlled, impacts associated with construction activities will be relatively short in duration and would not be expected to be significant. The project will result in the disturbance of more than 5 acres, the company must obtain a storm water construction permit (WI-0067831-1), which requires the facility to implement Best Management Practices (BMP's) to address impacts from storm water runoff. All construction will be managed to limit sediment-laden run-off from the site.

Long-term physical impacts include visual impacts. The construction of the facility will result in visual changes at the site. The site is located at 8641 Highway 32 in the Township of How. The freestall barns, holding area, and the bunker storage will be visible from Highway 32. While the physical appearance of the site will be substantially changed, the use of the site will remain agricultural in nature. The visual impacts of the facilities on the Suring Dairy site would not be considered significant.

The primary long-term physical impacts associated with the facility are that odors in the immediate area could be objectionable on a few days of the year, and there may be an impact on traffic flows on Highway 32. There will likely be increased traffic to the area associated with the transportation of livestock, feed, and milk.

Odors from the facility, especially during agitation of the manure contained in the storage structure in preparation for landspreading activities are an unavoidable impact. The facility has proposed ways to minimize this impact by reducing the frequency with which landspreading occurs, emptying the storage facility when humidity, ambient temperature and winds are such that odor is minimized.

Biological

Per a September 2, 1999 contact with Elizabeth Spencer of the Bureau of Endangered Resources, the immediate farm area, former cropland, would be expected to provide habitat for common animal species acclimated to farm operations. No specific animal or plant inventories have been conducted at this location. Natural Heritage Inventory records indicate the nearest occurrence records for endangered or threatened species or other sensitive resources/habitats to be about two miles from the farm site.

The farm site is located adjacent to wetlands that flow to Pecore Creek, a feeder stream of the South Branch of Oconto River an Exceptional Resource Water east of Highway 32. This operation will also land apply animal and farm wastes near tributaries of the South Branch and the North Branch of the Oconto River, as well as lands adjacent to the rivers themselves. The North Branch of the Oconto River is classified as an Exceptional Resource Water. Given the sensitivity of these resources, as a condition of the permit, manure must be injected or incorporated in areas that are in close proximity of the South and North Branch of the Oconto River or tributaries of these water bodies. These areas are define as the ten year floodplain or 400 feet of streams or rivers; within 1000 feet of a lake; within 200 feet upgradient of a sinkhole or crack in the bedrock. In addition animal wastes must be applied according to phosphorus limits. Land application of manure must be accomplished in manner that does not alter the background quality of the North and South Branch of the Oconto Rivers or other outstanding water resources adjacent to land applications of manure.

No waterways or aquatic resources will be re-routed or altered as a result of this project. Water usage associated with cattle drinking and cleaning operations is expected to an estimated 12,825 gallons per day. A high capacity well is not required for this site. This is expected not to have a significant impact on local groundwater levels. Groundwater is estimated to be 26 feet from the final graded ground surface of the site (currently the groundwater level ranges from 22 feet to 36 feet from the ground surface due to existing variations in the exist ground surface elevations). No localized perched water tables were found in the test pits dug at the site.

The distance to the closest year-round surface water resource connected to Suring Dairy is over one mile. Short-term impacts on area surface waters or wetland resources are not expected during construction of the facility if BMP's are implemented and maintained for storm water runoff control.

The most significant possible long-term biological impact is associated with the production of manure at the site. It is anticipated that approximately 8.38 million gallons of liquid waste consisting primarily of manure will need to be stored and disposed of every 180 days. Nutrients associated with manure can have detrimental impacts on groundwater (nitrogen) and surface waters (nitrogen and phosphorus) if not properly land applied. Biochemical demand associated with manure can reduce dissolved oxygen levels in surface waters. The milking cattle will be held in buildings where they are totally confined and manure from these buildings will be transferred to a storage facility. The dry cattle will be confined to a dry cow barn and an adjacent exercise area. The manure from the dry cow barn will be transferred to the storage facility. The storage facility will need to meet appropriate NRCS design standards to ensure that groundwater impacts do not occur. In addition NRCS design standards significantly reduce the risk of overflows from the facility which could have a detrimental affects to surface waters.

The manure from the dry cow exercise area will be scraped and landspread. Runoff from the dry cow exercise area will be routed to a constructed grassed filter strip for treatment before entering a wetland. The design of the grassed filter strip is designed to remove solids and provide for nutrient uptake of phosphorus and nitrogen. A design assessment of the constructed grassed filter strip to treat the runoff from the dry cow exercise area will be a condition of the permit. The design assessment of the grassed filter strip for the exercise area will focus on impacts to the down gradient wetland. If the Department discovers a water quality problem related to storm water runoff, the operation would be required to implement a management plan and install any additional runoff management practices necessary to correct the problem.

The feed bunker storage area is designed to direct runoff from the bunker area to a sump collection facility. Leachate

will be pumped from the sump collection facility to the manure storage facility. On occasion, runoff will exceed the capacity of the collection storage facility and the pump. On these occasions the runoff and leachate not captured will be directed to a grassed filter strip before entering an existing wetland. The storm events that would create conditions where the runoff from the bunker storage area will exceed the storage and pump capacity will be rare. In addition the stormwater runoff volume that would cause a by-pass of the pumping operations would produce a dilute leachate. This dilute leachate would then be directed to and treated by the grassed filter strip before discharging to the wetland. Leachate would only be produced for short duration after crop harvest, reducing exposure to storm events. This reduced exposure will also decrease the chance that dilute leachate will be by-passed to the filter strip. Due to the dilution of the leachate and treatment by the grassed filter strip, wetlands are not likely to be impacted.

The manure produced in the dry cow barn will be completely contained. Manure will be scraped to a transfer system and transferred to the manure storage facility.

Manure from the dry cow exercise area will be removed and land applied. Runoff from the lot will be directed to a grassed filter strip. The design of the grassed filter strip for the dry cow exercise area is designed to handle and treat flows generated from exercise area to the point where the down gradient wetland will not be negatively impacted. However the Department requests that a design assessment of the effectiveness of the grassed filter strip be completed to assess the potential impact on the wetland down slope of the filter strip. If the Department discovers a water quality problem related to storm water runoff, the operation would be required to implement a management plan and install any additional runoff management practices necessary to correct the problem.

The land application of the manure on area cropland poses the greatest risk of environmental impact if it is not done properly. Nutrient loading, biochemical oxygen demand, and sediment in the tributaries of the South Branch and the North Branch of the Oconto River, as well as the rivers themselves are a concern in regard to water quality. This is a large animal facility that will be required to landspread their manure in accordance with a Department approved nutrient management plan. This is a benefit to the environment as all the other animal facilities in the area are not regulated due to their smaller size (i.e. do not exceed 1000 animal units and therefore do not require a WPDES permit for manure management).

In order to protect against increased nutrient loadings to area surface water, the facility will be required, according to its WPDES permit, to develop and submit a nutrient management plan for the land application of manure for Department approval. In the WPDES permit, the Department will require that the manure management plan limit nutrient loadings to avoid water quality impacts associated with nutrients. Landspreading of manure and associated limitations on nutrient loading would take into account existing soil nutrient levels, buffers, crop rotations, and other relevant factors. Because of water quality concerns, the Department will propose that limitations be placed on where manure can be spread (e.g., restrictions on landspreading within a certain area of a waterway, terrace channel, or other areas of concentrated flow) limitations will also include the maximum allowable time requirements before manure is incorporated after landspreading (e.g., 72 hours maximum with further restrictions based on proximity to waterways and forecasted precipitation). In addition the Department will propose restrictions on landspreading of manure on frozen or snow covered ground (e.g., landspreading can only occur on low slope fields and cannot occur (1) within the 10 year floodplain or within 200 feet of streams, rivers, or lakes, whichever is greater, (2) within 200 feet upgradient of sinkholes, cracked bedrock and wills, and (3) on fields with shallow soils that are 10 to 20 inches thick over fractured bedrock).

Landspreading manure in accordance with an acceptable nutrient management plan is advantageous to both the farmer and the environment in that the soils receive only the amount of nutrients necessary for each crop type. The manure will be injected into the ground to reduce the potential of runoff and odors associated with the spreading of manure. The manure is calculated as a nutrient to lower the need for commercial fertilizer. The nitrogen and phosphorus from the manure provide nutrients for crop growth. The manure will be landspread on local landowner's fields and will reduce their use of commercial fertilizers. Manure may only be spread on fields the are in the vicinity of surface waters if certain slope and distance requirements are met. The net nutrient application will not change only the type of fertilizer. When manure is spread in suitable amounts and promptly tilled into the soil, the potential for runoff causing off-site problems is minimized. Application rates, applied acreage, spreading techniques and other specifications are regulated

according to the nutrient management plan. The facility will also be required to conduct manure and soil sampling to determine appropriate applications rates, depending on soil and crop types.

If the facility conducts landspreading in accordance with the approved nutrient management plan, maintains an adequate land base for landspreading, and properly inspects and maintains the 8.38 million gallon liquid manure facility, the threat to groundwater and surface water should be minimal under normal operating and climatic conditions.

Cultural

The expansion should have no adverse direct, indirect or secondary impacts on land use. The site will not be significantly changed in terms of type of land use. The site is zoned agriculture, which is the predominant land use in the area, and will not need to be changed as a result of this project. The expansion will have a beneficial impact on the area's economy by creating more jobs and by increasing the area's tax base. It is anticipated that the dairy will employ about 30 local residents. It is also estimated that $ 525,000 will enter the local economy through employment and that Suring Community Dairy will generate approximately $ 4.7 million every year once fully developed. In addition local farms and livestock operations benefit as a result of feed and livestock purchased by Suring Community Dairy.

Per a September 14, 1999 contact with Victoria Dirst, Department Archeologist, there are no known archaeological or historical resources that will be impacted by this facility.

2. **Significance of Cumulative Effects**

Discuss the significance of reasonably anticipated cumulative effects on the environment (and energy usage, if applicable). Consider cumulative effects from repeated projects of the same type. Would the cumulative effects be more severe or substantially change the quality of the environment? Include other activities planned or proposed in the area that would compound effects on the environment.

There is a trend in the dairy industry towards larger-scale facilities of this kind. Large-scale dairy operations have rapidly become an economic necessity due to changing pricing structures and the need to reduce inputs while maximizing production. Economies of scale in the dairy industry have allowed producers to increase production without increasing costs. If numerous projects of this type are proposed in this area there is a concern that the land base available for landspreading manure could be overwhelmed and would make a number of such projects nonviable, primarily with respect to costs associated with hauling manure long distances for landspreading. The Department is not aware of additional projects of this type in the vicinity that the land base would be compromised. According to the facility, new landowners have continued to provide spreading sites and want the land to remain in agricultural crops. Any future projects at this operation or other potential operations will be examined at the appropriate time. With each new operation, facility, or expansion proposed, cumulative effects such as nutrient runoff are considered. Unless these facilities are poorly sited or concentrated in a small area, the cumulative impacts to the environment should not be significant.

Significance of Risk

a. Explain the significance of any unknowns, which create substantial uncertainty in predicting effects on the quality of the environment. What additional studies or analysis would eliminate or reduce these unknowns?

The proposed animal waste storage facility will be built in accordance with currently accepted standards to minimize the risks of ground and surface water contamination. Plans and specifications for manure storage will be reviewed and approved by Department staff prior to construction of these facilities.

The facility has the responsibility to comply with its WPDES permit and associated nutrient management plan. Consequently, the landspreading of manure should not yield any substantial increase in risk to the environment. The nutrient management plan will include acres that may not have previously been managed in accordance with a nutrient management plan, which could mean environmental benefits compared to existing manure application practices.

The nutrient content of liquid wastes contained in the storage pond may vary. Unidentified variations in nutrient content may result in overapplication of nutrients (nitrogen in particular) that could impact groundwater. The WPDES permit covering this facility will require manure and soil testing to ensure this does not occur.

These factors are sufficient to indicate that the risk of environmental harm is not significant.

The feed bunker storage area is designed to collect and pump leachate to the manure storage facility. The capacity of the pump is 150 gallons per minute. The expected maximum rate of leachate flow is 135 gallons per minute, and would occur for short duration after filling the bunker storage. Occasionally storm water runoff will exceed the capacity of the leachate storage and pumping system. On these occasions a mixture of stormwater runoff and leachate will be by-passed to the grassed filter strip via an overflow pipe. The dilute leachate will then be treated by the grassed filter to levels that discharges to the down gradient wetland would not be impacted. As a condition of the permit the Department will request a design assessment of the potential impact to the wetland of any treated water discharged from the grassed filter strip. If the Department discovers a water quality problem related to storm water runoff from the feed bunker storage area, the operation would be required to implement a revised management plan and install any additional runoff management practices necessary to correct the problem. There is sufficient room to design a larger grassed filter strip if needed. In addition it would be possible to install a higher capacity pump in the leachate collection system which could pump a larger quantity of runoff and leachate to the manure storage facility.

As a part of the overall design Suring Community Dairy has included a dry cow exercise area for approximately 300 dry cows and heifers to be used in conjunction with a dry cow barn. The manure deposited in the dry cow barn will be transferred to the manure storage facility. As a part of the management plan, manure deposited on the exercise area will be scraped and land applied. The dry cow exercise area is designed to collect the runoff from the area and route it to a grassed filter strip for treatment. The grassed filter strip is designed to treat the runoff and remove nutrients that may be washed off the exercise area. The discharge from the grassed filter strip is expected to have nutrient levels that would not impact the down gradient wetland. As a condition of the permit the Department will request a design assessment of the discharges from the grassed filter strip and the potential impact to the wetland of any treated water discharged from the grassed filter strip. If the Department discovers a water quality problem related to storm water runoff from the exercise area, the operation would be required to implement a revised management plan and install any additional runoff management practices necessary to correct the problem.

b. Explain the environmental significance of reasonably anticipated operating problems such as malfunctions, spills, fires or other hazards (particularly those relating to health or safety). Consider reasonable detection and emergency response, and discuss the potential for these hazards.

Operating problems that could occur that could impact the environment include failure of the manure handling system and storage pond or poor manure land application practices that lead to nutrient runoff.

Appropriate design of a storage pond (for example, berm slopes and volume) makes the probability of failure of the storage pond highly unlikely. In addition, the facility will be required to submit a response plan (as part of the review and approval process of the manure storage pond or as part of the WPDES permit) for DNR review. This plan must address spills that could result from storage pond malfunction, broken lines in the manure injection apparatus or an

accidental spill occurring during transport of manure. Malfunctioning pumping equipment would need to be addressed. Given that the facility will have 180 days of storage available on-site (manure storage pond), a properly designed operation and maintenance plan should allow staff present at the facility enough time to be alerted of a problem and take appropriate action to avoid potentially hazardous situations.

Manure will be landspread in accordance with a nutrient management plan, which will help ensure that poor land application practices are avoided.

Proposed fencing of the storage pond will minimize the risk of people or animals falling into the pond.

4. **Significance of Precedent**

Would a decision on this proposal influence future decisions or foreclose options that may additionally affect the quality of the environment? Describe any conflicts the proposal has with plans or policy of local, state or federal agencies. Explain the significance of each.

This decision will not influence future decisions or foreclosure options that additionally affect the quality of the environment. All future projects will be evaluated by their own specific adverse and beneficial impacts. There are other similarly sized dairy operations in Wisconsin. Each individual project is considered separately based on its own merits.

The Department primarily considered issues that fall under our regulatory authority as part of this assessment. The project is not known to conflict with plans or policy of local, state, or federal agencies. The facility will need to apply for and receive the appropriate approvals from all involved agencies prior to operating. Permitting this facility would not foreclose future options for taking necessary actions to protect the environment (i.e., revocation, and modification of the permit).

5. **Significance of Controversy over Environmental Effects**

Discuss the effects on the quality of the environment, including socio-economic effects, that are (or are likely to be) highly controversial, and summarize the controversy.

As with any large-scale livestock project, there is the possibility that public controversy may be generated as a result of this project. There may be concerns about odors from the facility, possible manure spills on the roads, groundwater or surface water contamination from nutrient seepage or stormwater runoff, or trends towards large-scale farming in the state. The socio-economic effects that are of concern with large-scale livestock operations such as Suring Dairy includes the impact such operations have on the viability of smaller operations. Many smaller operations and non-farming rural inhabitants are concerned about the change in the agricultural landscape associated with large-scale livestock operations.

ALTERNATIVES

Briefly describe the impacts of no action and of alternatives that would decrease or eliminate adverse environmental effects. (Refer to any appropriate alternatives from the applicant or anyone else.)

No Action

If the operation were not built, the adverse impacts associated with the facility would be avoided but the economic benefits of the applicant and to the area would not be realized.

Reduced Size of Operation

The facility is following the recent trend toward larger dairy operations in Wisconsin. The economies of scale in dairy farming, which is a very large and important industry in the state, are allowing producers to increase production without

increasing costs. Reducing the size of the operation may reduce certain concerns associated with the facility such as odor, but this may also affect the economic viability of the project. A reduced size of operation would also reduce the economic benefits the facility would bring to the area.

Relocation of Facility

If the site were to be relocated, there is no guarantee that the alternate site would be better from an environmental impact standpoint than the one that is proposed. Other sites were considered but this location was chosen because it appeared to have the least disturbance to the environment and the least negative impact on the people in the area. The site is located at a relatively remote area where agriculture is the predominant land use.

SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

List agencies, citizen groups and individuals contacted regarding the project (include DNR personnel and title) and summarize public contacts, completed or proposed.

- Mike Tiry and David McDaniel from Tiry Engineering were contacted regarding questions on the information submitted as part of the - WPDES permit application
- James Mahoney of Suring Dairy provided a tour of the site to DNR personnel
- Mark DeBaker and Dave Bougie - DNR Regional Animal Waste Investigators
- Terry Donovan- DNR Watershed Management Engineer
- Tom Bauman - DNR Central Office-Madison, Animal Waste Program
- Environmental Analysis Questionnaire for Livestock Operations completed by David McDaniel
- Preliminary engineering design review by Bob Wilson – Wisc. Dept. of Agriculture, Trade, and Consumer Protection
- Preliminary Manure Management Plan prepared by Eric Anderson, Pulaski – Chase Co-op
- Victoria Dirst – Archaeology Expert, WDNR
- Elizabeth Spencer – Bureau of Endangered Resources

DECISION (This decision is not final until certified by the appropriate authority)

In accordance with s. 1.11, Stats., and Ch. NR 150, Adm. Code, the Department is authorized and required to determine whether it has complied with s. 1.11, Stats., and Ch. NR 150, Wis. Adm. Code.

Complete either A or B below:

A. EIS Process Not Required

The attached analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action, which would significantly affect the quality of the human environment. In my opinion, therefore, an environmental impact statement is not required prior to final action by the Department on this project.

B. Major Action Requiring the Full EIA Process _____

The proposal is of such magnitude and complexity with such considerable and important impacts on the quality of the human environment that it constitutes a major action significantly affecting the quality of the human environment.

Signature of Evaluator	Date Signed
Noted: Regional Staff Specialist or Bureau Director	Date Signed

Number of responses to news release or other notice:

CERTIFIED TO BE IN COMPLIANCE WITH WEPA	
Regional Director or Director of BISS (or designee)	Date Signed

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

Note: Not all Department decisions respecting environmental impact, such as those involving solid waste or hazardous waste facilities under sections 144.43 to 144.47 and 144.60 to 144.74, Stats., are subject to the contested case hearing provisions of section 227.42, Stats. This notice is provided pursuant to section 227.48(2), Stats.

The proposal is of such magnitude and complexity with such considerable and important impacts on the quality of the human environment that it constitutes a major action significantly affecting the quality of the human environment.

Signature of Evaluator	Date Signed
David F. Bonjie	8-9-01
Noted: Regional Staff Specialist or Bureau Director	Date Signed

Number of responses to news release or other notice: 0

CERTIFIED TO BE IN COMPLIANCE WITH WEPA	
Regional Director or Director of BISS (or designee) James B. Paul	Date Signed 9/19/01

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NEWS RELEASE

Wisconsin Department of Natural Resources
101 S. Webster, SS/7
Phone: 608-266-0126
E-mail: pardej@dnr.state.wi.us

FOR RELEASE: **August 29, 2001**

CONTACT: **Dave Bougie, Animal Waste Specialist, WDNR-Green Bay, 920-448-5130, boudg@dnr.state.wi.us**

SUBJECT: **Suring Community Dairy WPDES Permit and EA**

Green Bay, Wis. -- Suring Community Dairy has requested a Wisconsin Pollution Discharge Elimination System (WPDES) permit from the Wisconsin Department of Natural Resources (DNR) for a proposed expansion. Suring Community Dairy is an existing dairy which would eventually house 1725 head of dairy cattle under the proposal. The dairy facility is located in the town of Suring, Oconto County.

Plans call for the construction of an additional freestall barn, a dry cow exercise area with an associated filter strip, a dry cow barn, a manure transfer system, a manure storage structure, and a manure biogas digester. Construction of these facilities is scheduled to occur in 2001 – 2002.

Environmental concerns would be minimized through proper manure management as required by the nutrient management plan.

The proposed Department permit action is not anticipated to result in significant adverse environmental effects. The Department has made a preliminary determination that an environmental impact statement will not be required for this action.

Copies of the environmental assessment that led to the DNR's preliminary determination can be obtained from Dave Bougie Animal Waste Specialist, DNR NER Service Center, 1125 N. Military, Box 10448, Green Bay WI 54307, 920-448-5130, boudg@dnr.state.wi.us.

Public comments, either written or oral, on the environmental assessment are welcome and must be submitted to Dave Bougie no later than 4:30 p.m. September 14, 2001.

-30-