

ENVIRONMENTAL ANALYSIS AND DECISION
ON THE NEED
FOR AN ENVIRONMENTAL IMPACT
STATEMENT (EIS)
Form 1600-8

Department of Natural Resources (DNR)

District or Bureau Watershed Management
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., May 25, 2000.

Contact Person:

Doris Thiele - WT/2

Title:
Wastewater Engineer

Address:

WT/2, WDNR, P.O.Box 7921 ,Madison, WI 53707

Telephone Number: (608) 266-3906
Applicant: Willard Schuli and Brent Schuh
Address: W2540 County Trunk Hi~k~ay 5,

WI 5413

Title of Proposal: Schuh View Dairy, LLC
Location: Village: Township of Freedom
Township: 22N Range: 18E Section(s): 9 (SE 'A)

County:

PROJECT SUMMARY DNR Review Information Based on:

1. General Project Description

Outagamie
City/Town
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This environmental assessment is associated with the issuance of a Wisconsin Pollutant Discharge Elimination System (WPDES) permit for the existing dairy operation named Schuh View Dairy, LLC, and future planned expansions in animal numbers and storage facilities at the site. The operation has not held a WPDES permit in the past. Permits are

normally issued for up to five years. The proposed effective date is June 1, 2000 and the proposed effective date is March 31, 2005.

Schuh View Dairy is currently a 705 head (916 animal unit) operation that consists of four cattle barns and two separate manure storage facilities. An existing above-ground manure storage facility receives manure from a heifer barn, a dry cow barn, and a freestall barn (Freestall Barn #1). The heifer barn houses approximately 130 heifers of various weights. Heifers are custom raised as are the young stock. The dry cow barn presently holds a maximum of 100 cows. Freestall Barn #1 presently houses a maximum of 125 milking cows. The remaining 350 milking cows can be found in a second freestall barn (Freestall Barn #2). Freestall Barn #2 was built above an in-ground concrete manure facility that was constructed in 1998.

Beginning the summer of 2000, Schuh View Dairy is planning to fill both freestall barns to capacity, thus maintaining 600 milking cows and 100 dry cows and more than 100 heifers for a total of about 830 head (1,091 animal units). Since the operation will house greater than 1,000 animal units, Schuh View Dairy has applied for a WPDES permit. Per NR 243, Wis. Adm. Code, a WPDES permit is needed for all livestock operations that house more than 1,000 animal units.

A second expansion is planned for the spring of 2001. This would include the possible construction of another milking parlor, freestall barn and a manure storage facility. By the spring of 2002, Schuh View Dairy plans to be at capacity with a total of approximately 1400 milking cows for a total of 1,750 head (2400 animal units). A management option being considered is the conversion of Freestall Barn #1 to house only dry cows. Conversion of the Heifer Barn for dry cows is another option being considered. In addition, raising heifers and dry cow housing off-site is being considered. All of these options would have a direct affect on the final number of milking cows housed at Schuh View Dairy.

The aboveground manure storage facility was constructed in 1979 and has the estimated capacity of 720,000 gallons. This allows Schuh View Dairy to store liquid manure from the heifer barn, dry cow barn and Freestall Barn #1 for ten to twelve months. The concrete storage facility under Freestall Barn #2 has an estimated capacity of 2,600,000 million gallons. In addition to the liquid manure storage facilities, solid manure is generated in the milking cow maternity pens and is handled separately. Three manure spreader loads are generated and spread on a monthly basis

There is a small open lot between the cattle housing buildings to which cattle have access. There are feed bunkers located to the east of the freestall barns.

With 700 milking and dry cows, it is estimated that approximately 3,000,000 gallons of manure will be produced per year. Schuh View Dairy owns approximately 320 acres of cropland and rents about 700 acres. Given the rotation commonly used by Schuh View Dairy, 900 acres are available (or open) to receive manure on an annual basis. Schuh View Dairy will be landspreading from the above ground manure storage facility once every ten to twelve months once a year from the in-ground concrete manure storage facility.

The project cost is estimated at \$155,000 for the first expansion and over \$3,000,000 for the second expansion.

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

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- Review and approval authority of manure storage facilities
- Wisconsin Pollutant Discharge Elimination System (WPDES) Permit for Concentrated Animal Feeding Operations (CAFO), those operations with 1,000 animal units or more
- A permit for air emissions is not required for this operation. However, 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, Wis. Adm. Code, occurs

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.
- Environmental Analysis Questionnaire for Livestock Operations completed by Jeffrey J. Polenske.
- Internal Department correspondence regarding possible environmental impacts associated with the operation.
- Department review of construction documentation for concrete storage facility.

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

Since the majority of structures associated with the operation are already in existence, the primary long-term physical impacts associated with the act of issuing a WPDES permit to the operation will result from the increase in animals housed at the site. There will be increased traffic in the area associated with the transportation of livestock, feed, and milk. Short-term physical impacts would primarily be connected to possible construction resulting from permit requirements or operational changes. The proposed WPDES permit contains conditions requiring the operation to evaluate the existing manure storage and runoff control facilities to determine if they meet existing standards. Based on the Department evaluation, the operation may be required to upgrade or abandon the existing facilities or take additional action to protect water quality. Any necessary upgrades or modifications will be required per a compliance schedule found in the proposed permit.

Short-term physical impacts would be primarily associated with construction activities at the site resulting from any necessary upgrading of existing facilities or construction of new facilities associated with operation expansion. These impacts include noise and dust from machinery and traffic from construction equipment. 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 would be relatively short in duration and would not be expected to be significant.

The primary long-term physical impacts associated with the operation are that odors in the immediate area could be objectionable during certain periods of the year. Odors from the operation, especially during agitation of the manure contained in the storage facilities in preparation for landspreading activities are unavoidable impacts.

The operation has proposed ways to minimize this impact by:

- reducing the frequency with which landspreading occurs

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- emptying the pit when humidity, ambient temperature and winds are such that odor is minimized
- injecting the majority of the manure, as opposed to surface applying the manure, thus reducing access to air.

Water usage at the operation is estimated at 18,000 gallons of water per day in 2000, and 37,000 gallons per day in 2002. Schuh View Dairy expects to drill another water supply well during 2001. Groundwater levels in the area

could be affected by water usage at the operation; however, the WPDES permit does not regulate this. If the operation's water usage was 70 gallons per minute or greater, it would be required to obtain a high capacity permit and water impacts to the water table would be evaluated.

There is a private sewage system designed at the site for all the human waste, office and employee water usage.

Per a March 31, 2000, contact with Elizabeth Spencer of the Department's Bureau of Endangered Resources, a State-Threatened turtle species in Wisconsin, was documented in the project area. The species prefers deciduous forests and open meadows along moderate- to fast-moving streams and rivers. The immediate farm area, former cropland, would be expected to provide habitat for common animal species acclimated to farm operations. Provided manure landspreading is limited to existing (already disturbed) croplands and application practices avoid increased nutrient loading to surface waters (see later discussion in this section), no serious threat to sensitive resources in the vicinity would be expected. Therefore, long-term significant impacts on terrestrial animals and vegetation are not expected.

The distance to the closest navigable water is approximately over a 1/4 of a mile. Short-term impacts on area surface waters or wetland resources are not expected during construction associated with expansion of the operation if Best Management Practices (BMP's) are implemented and maintained for storm water runoff control. There is a small open lot between the cattle housing buildings to which cattle have access. The lot seems to have little potential for runoff and any runoff would be directed to cropped fields. In addition, there are feed bunkers located to the east of the freestall barns. Any leachate generated is directed to the road ditch. The road ditch appears to be internally drained. As part of the proposed permit, an evaluation would be required to determine if runoff from these areas is adequately controlled.

The most significant possible long-term biological impact is associated with the current and proposed expanded production of manure at the site. It is anticipated that approximately 6.0 million gallons of liquid waste consisting primarily of manure will need to be stored and land applied every year. Nutrients associated with manure can have detrimental impacts on groundwater (nitrogen) and surface waters (nitrogen and phosphorus) if not properly land applied. Biochemical oxygen demand associated with manure can reduce dissolved oxygen levels in surface waters. In addition, ammonia in the manure can be toxic to fish and aquatic life. Since the cattle will be held in buildings where they are totally confined and manure from these buildings will be transferred to a storage facility, long-term nutrient impacts on wetlands and surface waters from the cattle housing area are not expected. The manure storage facility itself will need to meet appropriate NRCS design standards to ensure that groundwater impacts do not occur.

The land application of manure on area cropland poses the greatest risk of environmental impact if it is not done properly. Impacts from nutrient loadings, biochemical oxygen demand and ammonia are water quality concerns with surface waters. Since this operation requires coverage under a WPDES permit due to its size, landspreading of its manure is regulated in accordance with a Department approved Manure Management Plan. The Manure Management Plan can be an effective tool to proactively address possible problems that would otherwise be associated with manure landspreading activities. This is a direct benefit to the environment since livestock operations with less than 1000 animal units are not required to obtain a WPDES permit and may not be adequately planning their landspreading activities. This lack of planning may result in adverse impacts to water quality.

The permit includes injection or incorporation requirements based on proximity to surface waters which are intended to ensure that manure does not runoff to surface waters and cause short-term impacts associated with

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biochemical oxygen demand and ammonia. See the attached draft WPDES permit for these specific restrictions.

Nutrient loadings to Duck Creek are a significant water quality concern. Duck Creek is on a list of waterbodies (referred to as the 303(d) list) that are impaired. Duck Creek is not meeting its intended use due to excessive nutrient loadings to the waterbody. Landspreading activities from the operation will be occurring on fields that drain to Duck Creek. In order to protect against increased phosphorus loadings to Duck Creek, the proposed WPDES permit would require that the operation's Manure Management Plan address phosphorus loadings from fields where the operation landspreads manure. While phosphorus is a critical component of ensuring healthy crop growth, excessive phosphorus that is applied on the land can make its way to surface waters where it contributes to excessive algal growth. Excessive algal growth contributes to such problems as low dissolved oxygen in surface waters, a problem that is occurring in Duck Creek. The permittee will need to implement field and site specific restrictions and practices as part of their Manure Management Plan submitted to the Department for review and approval. These restrictions and practices will need to take into account existing soil nutrient levels, buffers, crop rotations, and other relevant factors. Specific restrictions are also contained in the proposed WPDES permit that are designed to address phosphorus impacts to Duck Creek that could be associated with the operation's landspread manure. See the attached draft WPDES permit for these specific restrictions.

Once approved by the Department, all landspreading activity must be completed in accordance with the management plans. A certified crop consultant must develop the plans.

Landspreading manure in accordance with an acceptable Manure Management Plan is advantageous to both the farmer and the environment. The nitrogen and phosphorus from the manure provide nutrients for crop growth and lowers the need for commercial fertilizer. In many instances, 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 of manure runoff causing off-site problems is minimized. The WPDES permit will regulate the application rates, applied acreage, spreading techniques and other specifications through the Manure Management Plan. The operation will also be required to conduct manure and soil sampling to determine appropriate application rates, depending on soil and crop types.

If the operation conducts landspreading in accordance with an approved Manure Management Plan, maintains an adequate land base for landspreading, and properly inspects and maintains manure storage facilities and runoff control systems, the threat to groundwater and surface water should be minimal under normal operating and climatic conditions.

Cultural

Per a September 15, 1999, contact with Dr. Victoria Dirst, Department Archeologist, there are no known archeological or historical resources that will be impacted by the operation.

The site will not be significantly changed in terms of type of land use as a result of the operation's proposed expansions. The site is zoned for agriculture, which is the predominant land use in the area, and will not need to be changed as a result of this project. However, there may be adverse indirect impacts associated with the operation's proposed expansions, primarily related to non-agricultural uses of lands in the area. There may be decreases in land values associated with residential uses within areas zoned as agricultural due to concerns, real or perceived, associated with the operation (increased traffic, odors, etc.). It is difficult to assess the extent or existence of such impacts and these impacts are beyond the regulatory authority of the Department.

The operation's proposed expansions would also have beneficial indirect effects. The area's economy will benefit from jobs associated with the operation's expansions and an increase in the area's tax base. It is

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anticipated that the operation will employ about seven full-time and four part-time employees. It is also estimated that one million dollars will enter the local economy as a result of added employment opportunities and business such as the operation's purchase of feed from local farmers.

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 livestock industry towards larger-scale operations of this kind. Large scale operations have rapidly become an economic necessity due to changing pricing structures and the need to reduce capital inputs while maximizing production. Economies of scale associated with CAFOs 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 such vicinity that the land base would be compromised. According to the operators, neighboring landowners have continued to provide spreading sites and want the land to remain in agricultural crops.

Any future projects will be examined at the appropriate time. With each new operation or expansion proposed, cumulative effects such as impacts from manure landspreading activities are considered. Unless these operations 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 operation's existing manure storage facilities will be evaluated either prior to permit issuance or as part of a compliance schedule contained in the permit to determine if they have been built in accordance with currently accepted standards. If the facilities fail to meet current standards they will be required to upgrade the facilities to meet current standards in accordance with a compliance schedule in their WPDES permit.

Any proposed modifications to existing manure storage facilities and any new storage facilities will be required to meet currently accepted standards to minimize the risks of ground and surface water contamination. Plans and specifications for proposed facilities must be reviewed and approved by Department staff prior to construction.

Ensuring the manure storage facilities and runoff control systems meet currently accepted standards is intended to address possible adverse impacts to ground and surface waters. Once the permit is issued, the operation will be required to obtain Department approval of all new manure storage facilities and runoff control systems prior to construction to ensure that the facilities/systems meet current standards.

The operation must comply with its WPDES permit and associated Manure Management Plan. Consequently, the landspreading of manure should not yield any substantial increase in risk to the environment. The Manure 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.

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The nutrient content of the manure temporarily stored in the storage facility may vary. Unidentified variations in nutrient content may result in overapplication of nutrients (nitrogen in particular) that could impact groundwater. The WPDES permit proposed to be issued to this operation 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.

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.

Possible operating problems that could impact the environment include failure of manure handling and storage facilities or poor manure land application practices that lead to nutrient runoff to surface waters or leaching of nutrients to groundwater.

Department review of any proposed manure storage facilities or evaluation of existing manure storage facilities to ensure that they are appropriately designed (for example, berm slopes and construction materials) makes the probability of failure of any storage facility highly unlikely. In addition, the operation will need to address small-scale manure spills as part of their operation and maintenance plan for the operation (as part of the review process of manure storage facilities or as part of the WPDES permit). This plan typically addresses spills associated with general operation and maintenance of the facility. These small “spills” may not represent an immediate environmental impact but may need to be addressed by the operation (e.g., scraping areas where small amounts of “spilled” manure have collected, changing operating procedures to avoid small “spills”) to ensure that impacts to waters of the state, primarily through runoff resulting from storm events, do not occur. In case of emergency, liquid manure normally stored in the in-ground concrete storage facility can be transferred to the aboveground storage facility. Massive failure of the manure storage facility would likely be formally defined as a spill under ch. NR 706. Ch. NR 706 describes requirements for immediate notification of the Department in the case of a spill. A requirement to follow ch. NR 706 is included in the WPDES permit. Inappropriate or inadequate responses (i.e., time frame of response and action taken to eliminate or mitigate environmental impact) to spills and associated environmental impact are subject to Department enforcement. However, Department and permittee action is contingent on a case-by-case evaluation of actual environmental impact and correction actions taken by the operation.

Department inspections based on complaints or general compliance efforts will help to serve to evaluate whether the operation is properly addressing minor “spills.” In addition, the operation will be required to conduct inspections of storage facilities to ensure that more significant problems are addressed prior to any sort of massive structure failure.

Since manure will be landspread in accordance with a Department approved Manure Management Plan, which does not allow poor land application practices; operating problems can be avoided by following the plan.

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.

No. 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 operation will need to apply for and receive the appropriate approvals from all involved agencies prior to operating.

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Permitting this operation would not foreclose future options for taking necessary actions to protect the environment (i.e., revocation,

modification of the permit). In actuality, through enforcement of the WPDES permit, the Department has a means to avoid or address possible adverse water quality impacts associated with the operation.

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.

There is the possibility that public controversy may be generated as a result of the permitting of this operation. State and area citizens may express concerns about the environment such as possible air and water quantity/quality issues. The Department has some authority to address odor complaints should they arise. The Department is starting a process to study and address odor and air toxics issues on a statewide basis. This study is expected to develop standards and voluntary best management practices to reduce or minimize potential problems from CAFOs. Water quantity issues are addressed to a certain extent if the operation is required to obtain a high capacity well permit. However, neither of these issues is addressed by the issuance of the WPDES permit, which is strictly intended to address the water quality concerns.

There may also be socio-economic concerns such as animal treatment issues, the trend towards large-scale farming in the state, impacts larger-scale farming may have on the viability of smaller operations and concerns of smaller operations and non-farming rural inhabitants regarding changes in the agricultural landscape associated with CAFOs. The socio-economic issues are difficult to quantify and there is significant disagreement as to the validity of these concerns. These socio-economic issues are beyond the scope of the WPDES permit and the Department's overall regulatory authority.

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.)

EVALUATION OF EXISTING FACILITIES

The Department's alternatives when evaluating existing runoff control systems and/or manure storage facilities either as part of processing a permit or the permit itself are:

- Determine that the system/facility meets current standards, will prevent a discharge of pollutants to navigable waters, and will comply with surface water quality standards and groundwater standards, and require no further action on behalf of the operation
- Determine that the system/facility does not meet current standards and allow the operation the option of abandoning, upgrading or replacing the system/facility

The selected alternative will be based on the information collected as part of this environmental assessment, permit application materials and further Department review.

REVIEW OF NEW FACILITIES

The Department's alternatives for review of proposed new manure storage facilities or modifications to existing manure storage facilities either as part of processing a permit or the permit itself are:

- Deny the plans and specifications for the design of the facility based on water quality concerns and require a resubmittal of plans and specifications
- Approve the plans and specifications for the design of the facility without conditions
- Approve the plans and specifications for the design of the facility, but with conditions requiring additional components to the facility's design or operation based on water quality concerns

The selected alternative will be based on the information collected as part of this environmental assessment and further Department review.

WPDES PERMIT

Within the constraints of the Department's existing permitting authority for CAFOs, the Department has limited alternatives to the issuance of a WPDES permit for the operation. Based on the information available to the Department, the Department cannot justify denial of the WPDES permit for the operation since it is expected that the operation will be able to comply with the conditions of the permit and not cause an exceedance of water quality standards. The Department could require more stringent conditions in the permit if it determined the conditions were necessary to protect water quality. The Department will use the information collected as part of the environmental assessment as well as part of the public comment period associated with the issuance process of a WPDES permit to make its final determination on issuance of the permit and to determine if additional restrictions in the permit are necessary.

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.

- Joseph Marter, **P. E. (consultant)**
- Willard and Brent Schuh - Operation owners
- Doris Thiele - DNR Central Office
- Outagamie County Land Conservation Department staff

The proposed WPDES permit for the operation will be public noticed for comments as part of the permit issuance process. In addition, an informational hearing will be held on the proposed WPDES permit to receive additional comments.

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 X

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 that 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 <i>D. Shull</i>	Date Signed <i>6-9-00</i>
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Number of responses to news release or other notice:

CERTIFIED TO BE IN COMPLIANCE WITH WEPA	
Regional Director or Director of BISS (or designee) <i>Jan D. Shull</i>	Date Signed <i>6/13/2000</i>

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.

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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.