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Wisconsin Department of Natural Resources
Bureau of Watershed Management (WT/3)
101 S. Webster Street
PO Box 7921
Madison, WI 53707-7921
dnr.wi.gov

Final Report

Agricultural Targeted Runoff Management &
Notice of Discharge Grant Programs

Form 3400-189A (R 01/20)

Page 1 of 3

NOTICE: This document is required under s. 281.65, Wis. Stats., and chs. NR 153 and 154, Wis. Adm. Code. A final project report must be submitted as part of the final reimbursement request. Personally identifiable information contained in this form will be used for determining reimbursement eligibility in the Targeted Runoff Management and Notice of Discharge Grant Programs and will not be used for any other purpose.

INSTRUCTIONS: Send the completed, electronic copy of this form and all attachments to the Department of Natural Resources (DNR) Region Nonpoint Source Coordinator. Please read all instructions prior to completion.

Grant Type

Select Grant Type **Notice of Discharge**

Grant Information

Grantee - Governmental Unit Name		Grant Number
Door County Soil and Water Conservation Department		NOD15000Y19
Project Name		
Center Road Heifers Kruswick NOD		
Project Contact Name	Phone Number	E-mail Address
Brian Forest	(920) 746-2366	bforest@co.door.wi.us

Site 1 - Location & Watershed Information

Additional sites may be added to the project by clicking on the [+Loc] button

Name of Cost-Share Recipient		Animal Units	Latitude	Longitude
Brey Cycle Farms		362	44.71976	-87.38274
County	12-Digit HUC	12-Digit Watershed Name		
Door	040301020201	Stony Creek-Frontal Lake Michigan		
Nearest Receiving Waterbody		Primary Waterbody addressed by project		
Unnamed T26R26E (WBIC 5013754)		Bear Creek/Schuyler Creek		

Site 1 - BMP & Load Reduction Information

Additional BMPs for this site may be added by clicking on the [+] button

Best Management Practice Installed	Quantity	Unit of Measure	Performance Standard/Prohibition Addressed	Load Reduction			Total Installation Cost
				Phosphorus lbs/yr	Nitrogen lbs/yr	Sediment Tons/yr	
- Manure Storage Systems	1	No.	Code(s) 7				\$260,444.04
- Waste Transfer Systems	1	No.	Code(s) 7				\$70,000.08
- Feed Storage Runoff Control System	1	No.	Code(s) 7				\$280,000.34

Model(s)/Methods Used to Calculate Load Reduction (check all that apply)

☒ STEPL ☐ SNAP+ ☐ BARNY ☐ RUSLE 2 ☐ Other (specify) _____

Site 1 - Compliance Requirements

Performance Standard or Prohibition Addressed	Chs. NR 151 or 243 Wis. Adm. Code Notice Type	Notice Letter Attached?	Compliance Achieved?	Compliance letter attached?
Process wastewater handling.	NOI / NOD	Yes	Yes	Yes

Check all of the true statements below.

- ☒ 1. A copy the compliance letter for site 1 has been placed in county files.
2. The attached compliance letter for site 1:
- ☒ a. has been provided by the county to the landowner and cost-share recipient;
 - ☒ b. identifies each of the performance standards & prohibitions (PS&Ps) on cropland and livestock facilities brought into compliance by the project, and listed in the table above;
 - ☒ c. identifies the name and location of the facility where compliance has been achieved; and
 - ☒ d. states that the landowner is obligated to maintain compliance with each PS&P addressed by the project in perpetuity regardless of future cost sharing.

Site 1 - Required attachments

Check the box if the required information for the site is attached:

- ☒ Photos of pre-and post-implementation of BMP(s) ☒ Load reduction modeling documents
- ☒ Aerial photo map of site with BMPs labeled ☐ Water quality monitoring results/summary, if applicable

Site 1 - Information

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Narrative space will expand to fit

Installation of the listed BMPs at this operation has resulted in an efficient collection system and long-term storage to allow for minimal impact to the surrounding ground and surface water resources.

The existing feed pad was abandoned, removed and replaced with an adequately sized and designed structure consisting of a concrete surface and pre-cast concrete walls. The edges of the feed pad have been constructed with concrete channels to convey leachate to a concrete detention basin.

The detention basin was constructed with a depth of four feet and receives runoff and leachate from the constructed feed pad before being pumped to the long-term manure storage via a waste transfer line and concrete manhole/pump pit housing the electric transfer pump.

All collected waste is pumped to the new long-term manure storage consisting of a 200'x175' concrete floor with eight-foot walls on three sides. The south side of the storage consists of a 200'x64' ramp sloping into the storage. A concrete push lane has also been installed to convey manure from the existing freestall building, housing 150 beef animals, to the storage. The manure storage capacity was designed to accommodate some future expansion, but none of the funding from this grant was applied to that expansion.

Design and construction supervision was shared by SWCD and NRCS staff.

☒ DNR may use this site as a success story to meet state and federal reporting needs.

[+ Loc](#)

Additional Project Information and/or Comments

Narrative space will expand to fit

Modeling for pollutant load reductions for this project has been problematic.

Estimated load reductions for this project do not reflect total pollutant loading. There are no current models available to estimate feed pad leachate runoff and the values associated with it. This was confirmed in a conversation with Andrew Craig on July 16, 2020 in which he advised to model with STEPL, based on the acres involved and the installation of the waste management system.

Manure management at this site has been addressed through long-term storage, for both pre- and post-construction.

Accounting for this pollutant load in the model is misleading and would severely skew the resultant load calculations.

This is a best estimate using the tools that are available at this time, but does not portray any load reduction.

Grantee Certification

A responsible government official (authorized signatory) must authorize and date the final report form prior to submittal to DNR.

I certify that, to the best of my knowledge, the project is complete and the information contained in this final report and attachments are correct and true.

Name of Authorized Government Official	Title of Authorized Government Official	Date
Erin E Hanson	County Conservationist	07/24/2020

For DNR Use Only

☒ Received complete reports with all attachments ☒ Practices implemented were consistent with the grant agreement

Comments about this project:

Name of Region Nonpoint Source Coordinator	Date
Erin Carviou	07/24/2020

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Bureau of Watershed Management (WT/3)
101 S. Webster Street
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For DNR Use Only

Send the Final Report and attachments to the Community Financial Assistance Grants Manager and to the Runoff Management Grant Coordinator. Keep a printed copy for the Region file.

Center Road Heifers

Attachments:

- WI DNR Notice of Intent Report
- WI DNR Notice of Intent
- Chapter 23 Compliance Notification
- Photos
- Aerial Photo with Installed BMPs Identified
- Load Reduction Modeling Documents

Agricultural Compliance Report (04/25/2019)



Inspection Date: April 04, 2019
Inspection Type: NOD Inspection
Name: Center Road Heifers LLC
Site Address: 6208 Center Road Sturgeon Bay, WI 54235
SW SE S18 T26N R26E Town of Clay Banks, Door County
Report Drafter: Erin Carviou, Nonpoint Source Coordinator

On the morning of April 04, 2019 at approximately 09:00 Carviou and Patrick Wanzeck (Department Nutrient Management Specialist) met with Dale Konkol (Door County Soil and Water Conservation Department (SWCD)) at the production facility of Center Road Heifers LLC (Farm). The registered owner for the farm is Mike Kruswick and it is operated by Tony Brey. Neither Kruswick or Brey were present for the inspection.

The Farm is located in the Stony Creek-Frontal Lake Michigan watershed (HUC 040301020201) on mostly sandy loam soils (Onaway-Ossineke, Allendale, Manistee, and Solona soil series). Several wetlands exist around the facility which drain to Schuyler and Bear Creeks.

The main focus of the inspection was the feed storage area (identified in Photo 1). Corn silage feed is stored on a concrete pad with east and south side walls. The feed pad was built prior to 2011. At the time of the inspection the feed storage area also contained a pile of gypsum dry wall to be ground up and land spread. Konkol informed Carviou that the farm was taking clean unused pieces of gypsum dry wall and land spreading it as part of a recycling program, but that the farm intended to discontinue the practice. Runoff from the pad flows directly north into a small depression area. At the time of the inspection this area appeared saturated and contained some wetland species such as phragmites and cattails. From there the feed storage runoff continues to flow north into a mapped wetland. At the time of the inspection soils were mostly frozen and runoff was not actively leaving the storage area, but a defined flow path was visible.

The manure storage was also inspected. Manure is scraped from the barns into the storage in two different areas. The first from the northern barn over the eastern side wall. The second area is from the southern barn over a ramp on the southern end of the storage. Manure of the barns is mostly solid in nature and appeared to have been built up on the southern end of the storage, allowing runoff from the scraping alley to divert around the storage and into the wetland on the western side of the storage. Carviou did not observe a flow path from the storage to the wetland, but noted that discharges could occur during heavy rain events. Konkol stated that he was working with the farm to address this discharge potential through manure management changes, such as pushing manure further into the storage to prevent backups into the scraping alley.

Carviou, Wanzeck, and Konkol departed the site at approximately 10:00.

On April 04, 2019 at approximately 13:15 Carviou spoke with Brey via telephone about the inspection. Carviou informed Brey that a flow path was visible from the feed storage area to the wetland and that the discharge is a violation of s. NR 151.055(2), Wisconsin Administrative Code, *"There may be no significant discharge of process wastewater to waters of the state."* Brey stated that he was aware of the area of noncompliance and was actively working with SWCD and NRCS to install proper feed storage runoff controls. Carviou explained the Notice of Discharge (NOD) process and that the facility is eligible for cost sharing because the feed storage area was constructed prior to the January 01, 2011 promulgation date of s. NR 151.055(2), Wis. Adm. Code. Carviou elaborated that SWCD would have to submit a grant application, either through the Department's NOD or Targeted Runoff Management (TRM) grant programs. Brey stated that he would continue to work with Dale and keep Carviou updated regarding the Farm's progress.

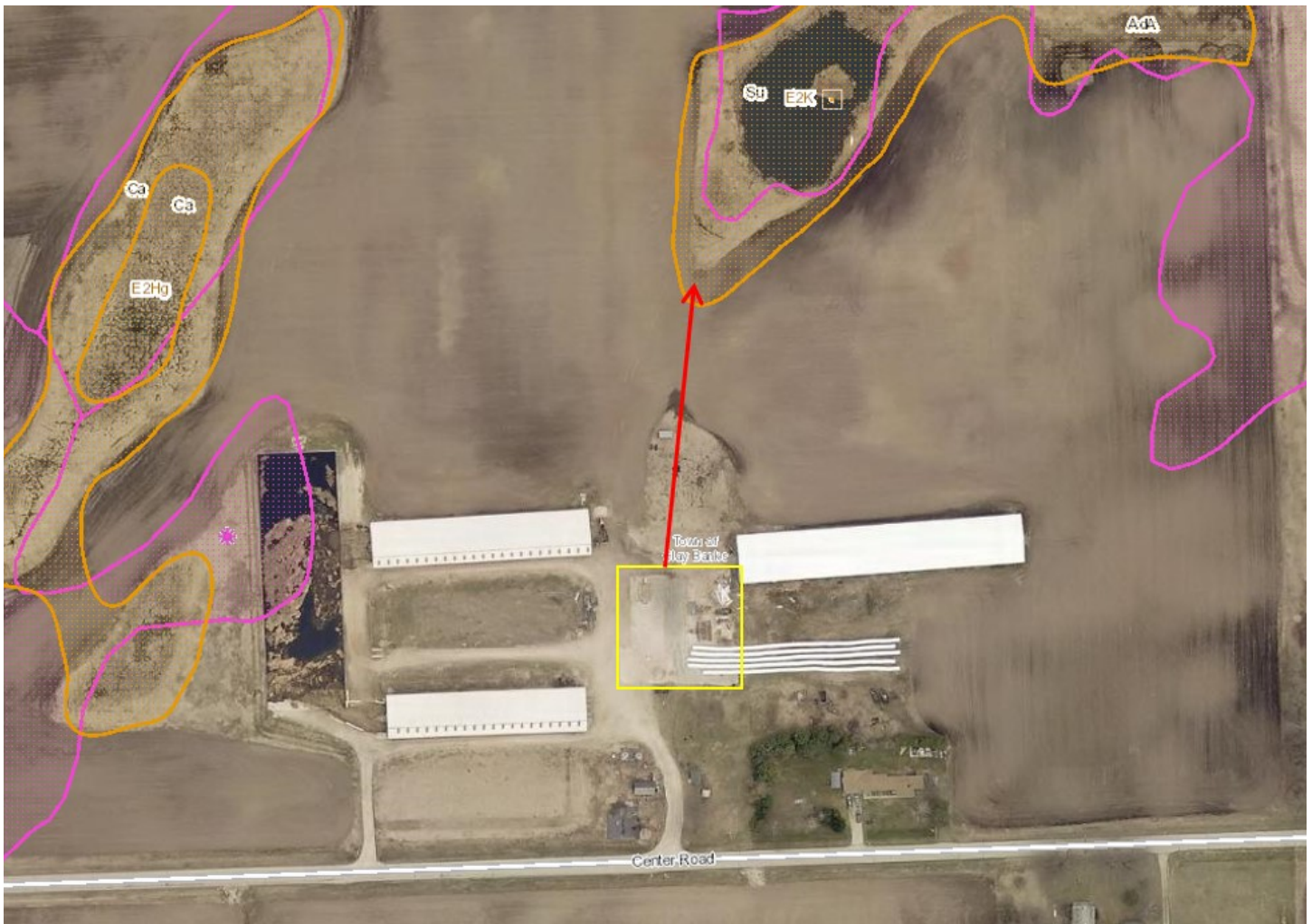


Photo 1

Aerial image taken from WDNR Surface Water Data Viewer. The feed storage area is outlined in yellow. The flow path of feed storage runoff is delineated by a red arrow.



Photo 1

Photo taken from the north edge of the feed storage area looking east at the recycled gypsum pile. Ponded runoff from the gypsum and corn silage is visible in the foreground of the photo.



Photo 2

Photo taken from the northern edge of the feed storage area looking west. The feed storage is visible in the middle ground of the photo, the flow path into the depression area is delineated by a red arrow.



Photo 3

Photo taken from the northern edge of the depression area looking north at the mapped wetland. A defined flow channel was historically present connecting these two areas. Between 2013 and 2017 the flow channel began to be plowed through. The flow channel is visible through a corn crop on a 2017 air photo.



Photo 4

2017 NAIP aerial photo taken from Snap Maps. The concentrated flow channel from the depression area to the mapped wetland is circled in red.



May 7, 2019

Center Road Heifers LLC
Attn: Mike Kruswick
602 Fremont Street
Algoma, WI 54201

Tony Brey
2139 County Road O
Sturgeon Bay, WI 54235

Subject: Notice of Intent to Issue Notice of Discharge

CERTIFIED MAIL

Dear Mr. Brey and Mr. Kruswick:

On the morning of April 04, 2019 the Department of Natural Resources (Department) conducted an onsite inspection of your livestock facility, Center Road Heifers LLC (Farm), located in the SW SE S18 T26N R26E Town of Clay Banks, Door County. The intent of the inspection was to review your facility for compliance with the performance standards and prohibitions listed in Chapter NR 151, Wisconsin Administrative Code. The results of this inspection are summarized in the enclosed Agricultural Compliance Report (04/25/2019) for your review and records.

During this inspection a runoff path containing pollutants was observed originating at your feed storage area and leading to a mapped wetland north of your facility. This runoff path was also documented in historical air photos. Based on this observation the Department has determined that:

- Your facility is in violation of s. NR 151.055, Wis. Adm. Code.

"There may be no significant discharge of process wastewater to waters of the state."

- Your facility has had a Category II discharge under s. NR 243.24(1)(b), Wis. Adm. Code.

"A category II unacceptable practice is a practice or facility at an animal feeding operation that causes a discharge of pollutants to waters of the state that is the result of an owner's or operator's failure to comply with a livestock performance standard or prohibition in ss. NR 151.05 to 151.08."

As a result of this discharge, the Department is issuing a Notice of Intent to Issue a Notice of Discharge to your operation. The purpose of this notice is to inform you that the Department may issue a Notice of Discharge (NOD) if you fail to correct the runoff discharge from your operation. A NOD is a more serious step in the enforcement process.

To comply with this notice, complete the following actions:

1. Establish a plan for your operation to come into compliance with this notice, submit that plan to the Department no later than **December 31, 2019**.

2. Install permanent best management practices (BMPs) that align with your compliance plan and submit documentation of compliance, such as as-built engineering documents, or schedule a compliance inspection with the Department no later than **December 31, 2020**.

The Department has determined that the feed storage area at your facility to be existing as defined in Ch. NR 151, Wis. Adm. Code, and therefore cost share dollars must be offered to you to install BMPs for corrective measures. Please contact the Door County Soil and Water Conservation Department (SWCD) for technical assistance in complying with this notice as well as assistance in obtaining cost share dollars. Dale Konkol at the SWCD can be reached at 920-746-2362.

Failure to take corrective actions regarding this notice may result in the Department taking further enforcement actions such as the issuance of a Notice of Discharge, other appropriate stepped enforcement, or referral to the Department of Justice for prosecution.

If you have any questions or concerns regarding this notice, please contact me at 920-662-5419 or Erin.Carviou@Wisconsin.gov.

Sincerely,

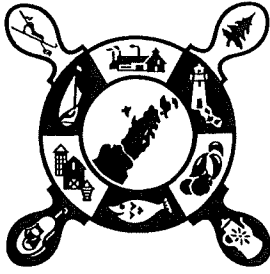


Erin Carviou
Nonpoint Source Coordinator

Enclosure: Agricultural Compliance Report (04/25/2019)

CC: File

E-Copy: Joe Baeten, Mike Gilbertson, Patrick Wanzeck – WDNR
Erin Hanson, Dale Konkol – Door County SWCD
Joe VanHulle, Joe Johnson – NRCS
Travis Buckley - DATCP



County of Door SOIL & WATER CONSERVATION DEPT

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Phone: (920) 746-2214

Fax: (920) 746-2369

swcd@co.door.wi.us

July 24, 2020

Brey Cycle Farm LLC
Anthony Brey
2190 County O
Sturgeon Bay, WI 54235

Michael Kruswick
602 Fremont Street
Algoma, WI 54201

Mr. Brey and Mr. Kruswick,

This letter is being sent as a follow up to the construction done at your operation at the location below to address identified water quality concerns outlined in the April 4, 2019 Notice of Intent to Issue Notice of Discharge sent by Erin Carviou, of the Wisconsin Department of Natural Resources.

Property Location (Parcel #): 0060018262643A

With the recent construction of adequate feed storage and runoff controls, waste transfer system and long-term manure storage, you now meet all of the requirements of the agricultural performance standards and manure management prohibitions. **You are currently in compliance with all items associated with Chapter 23 of the Door County Code. There is nothing that you are required to do at this time.**

Thank you for your cooperation and please remember, once compliance with a cropland performance standard and/or livestock performance standard or prohibition is attained, compliance shall be maintained by the existing landowner or operator and heirs or subsequent owners. If, after the date of this letter, you fall out of compliance with any of the agricultural performance standards and/or manure management prohibitions that have previously been determined to be compliant, Door County may: issue a citation pursuant to and in accordance with Section 66.0113 Wisconsin Statutes and Chapter 35 Door County Code; issue a cease and desist order for all operations on the above listed property that are out of compliance; institute other proceedings in court including a civil forfeiture or injunction. Items determined to be compliant in this notification that fall out of compliance will be subject to enforcement without the requirement of an offer of cost-sharing.

An appeal may be filed for a final compliance determination made in writing by the Soil & Water Conservation Department. Please see the attached Appeals Procedure for more information.

If you have questions regarding this letter or wish to review copies of the statutes or ordinance mentioned in this letter please contact the Door County Soil and Water Conservation Department at (920) 746-2214.

Sincerely,

A handwritten signature in cursive script that reads "Erin Hanson".

Erin Hanson
County Conservationist

Appeals Procedure

The final compliance determination or best management practices required to attain compliance stated in this letter can be appealed by the person aggrieved by the decision or a person aggrieved by the decision if such adversely impacts the substantial interests of that person by the following procedure.

1. Payment of \$750 for filing a Notice of Appeal.
2. Filing a Notice of Appeal with the Board of Adjustment (BOA), with a copy to the Soil and Water Conservation Department (SWCD).
3. Notice must identify appellant, specify the decision sought to be reviewed, and designate the factual and legal bases for the appeal.
4. Fee must be paid and Notice of Appeal filed within thirty (30) days from issuance of this letter, or an appeal is barred.

The appeal, ordinarily, stays all proceedings in furtherance of the decision appealed from. The appeal does not stay all proceedings if, after the appeal is filed, SWCD certifies to the BOA that a stay would pose an imminent threat to the environment, public health or public safety.

The burden of proof rests with the appellant. The appellant must submit evidence sufficient to support granting the appeal.

BOA shall fix the time for and location of hearing an appeal. The hearing shall commence within forty-five (45) days of the fee being paid and Notice of Appeal being filed.

The following process shall occur at the appeal hearing.

1. Opening Remarks by Appellant and then by SWCD. These opening remarks are intended to acquaint the BOA with the case and set out, in a general way, each side's case.
2. Appellant presents real and testimonial evidence first.
3. SWCD presents real and testimonial evidence second.
4. Appellant may offer rebuttal real and testimonial evidence.
5. Closing remarks by appellant and then by SWCD. These closing remarks are intended to be a brief summation of each side's position on the contested issues and the reasons each is entitled to prevail.
6. Appellant and SWCD may cross-examine witnesses of the other side.
7. BOA may swear witnesses.
8. BOA will mark and preserve exhibits.
9. BOA may cause the proceedings to be taken by a stenographer or by a recording device. The expense thereof to be paid by the parties to the proceeding. Any record of hearing will be retained by BOA.
10. The rules of evidence should be adhered to, but do not strictly apply.
11. The hearing shall be informal in nature.

The final determination/judicial review will occur by the following process. The BOA may affirm or reverse in whole or part or it may modify the decision on review. Within forty-five (45) days of completion of the hearing BOA shall mail or deliver to each side its written determination stating the reasons therefore. This determination shall be a final determination. Any party to the proceeding may seek judicial review thereof pursuant to and in accordance with Section 68.13 Wisconsin Statutes.

If the Appellant prevails, at the BOA's sole discretion, the filing fee may be refunded in whole, or in part. Otherwise, each party must pay its own costs and fees.









09/12/2019 12:17

Center Road Heifers



09/16/2019 15:34

Construction of Feed Pad



Center Road Heifers



10/18/2019 11:52AM

Construction of Detention Basin

Center Road Heifers



08/20/2019 03:11PM

Installation of Waste Transfer







Center Road Heifers



Long Term Manure Storage

Center Road Heifers

100

Feet



Existing
Manure
Storage

48" x 84" Manhole/
Pump Station

27' - 6" Transfer
Line

Concrete
Detention
Basin

Concrete
V-Channels
Drain to Basin

Existing Asphalt
Feed Pad
Abandoned

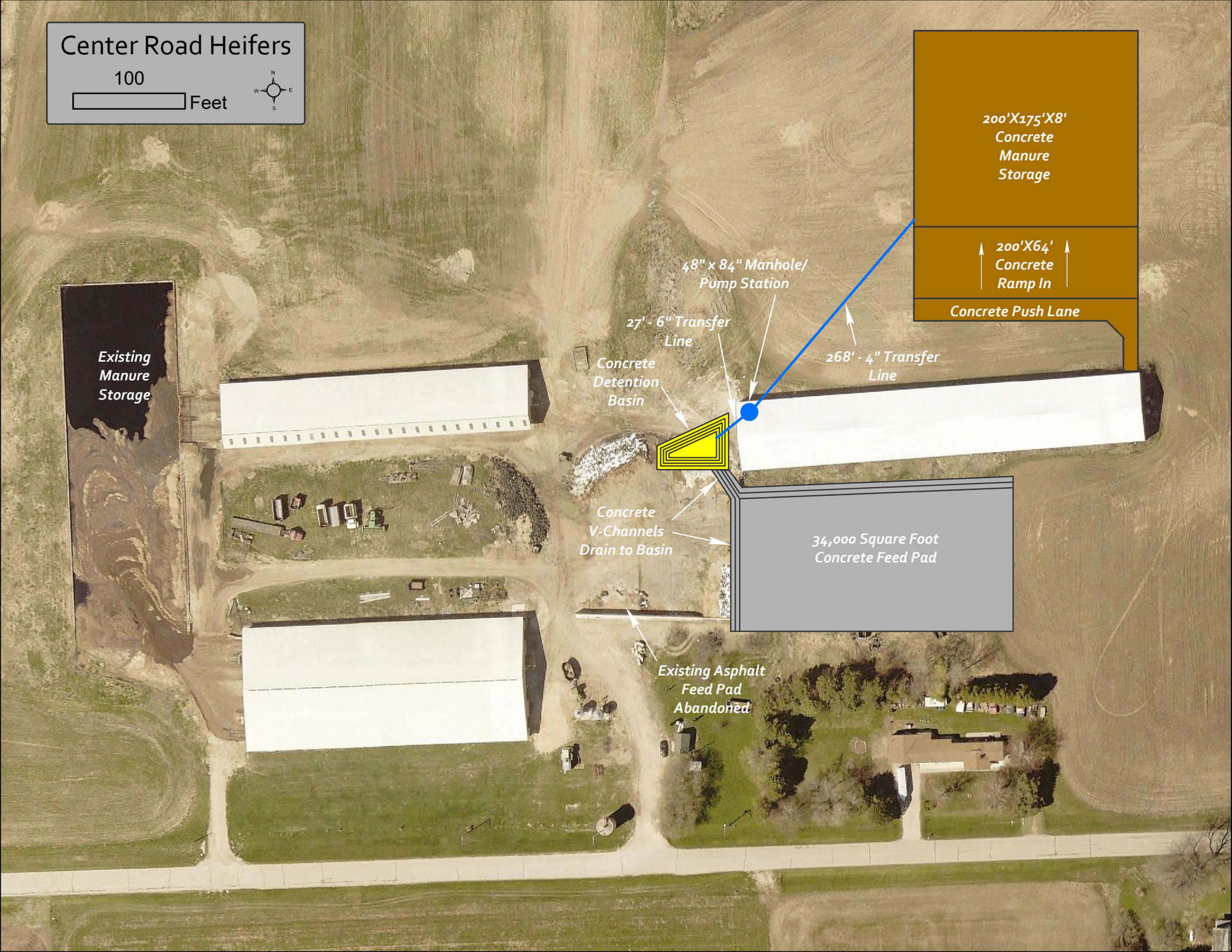
268' - 4" Transfer
Line

34,000 Square Foot
Concrete Feed Pad

200'X175'X8'
Concrete
Manure
Storage

200'X64'
Concrete
Ramp In

Concrete Push Lane



Center Road Heifers

200

Feet



STEPL Watershed



Total Load

This is the summary of annual nutrient and sediment load for each subwatershed. This sheet is initially protected.

1. Total load by subwatershed(s)

Watershed	N Load (no BMP)	P Load (no BMP)	BOD Load (no BMP)	Sediment Load (no BMP)	N Reduction	P Reduction	BOD Reduction	Sediment Reduction	N Load (with BMP)	P Load (with BMP)	BOD (with BMP)	Sediment Load (with BMP)	%N Reduction	%P Reduction	%BOD Reduction	%Sed Reduction
	lb/year	lb/year	lb/year	t/year	lb/year	lb/year	lb/year	t/year	lb/year	lb/year	lb/year	t/year	%	%	%	%
W1	29.8	4.0	37.4	1.8	0.0	0.0	0.0	0.0	29.8	4.0	37.4	1.8	0.0	0.0	0.0	0.0
Total	29.8	4.0	37.4	1.8	0.0	0.0	0.0	0.0	29.8	4.0	37.4	1.8	0.0	0.0	0.0	0.0

2. Total load by land uses (with BMP)

Sources	N Load (lb/yr)	P Load (lb/yr)	BOD Load (lb/yr)	Sediment Load (t/yr)
Urban	4.65	0.60	15.52	0.11
Cropland	10.61	2.89	21.76	1.68
Pastureland	0.00	0.00	0.00	0.00
Forest	0.00	0.00	0.00	0.00
Feedlots	0.00	0.00	0.00	0.00
User Defined	0.06	0.02	0.12	0.02
Septic	0.00	0.00	0.00	0.00
Gully	0.00	0.00	0.00	0.00
Streambank	0.00	0.00	0.00	0.00
Groundwater	14.51	0.47	0.00	0.00
Total	29.83	3.99	37.40	1.80