

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 2

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 TypeSelect Grant Type **Notice of Discharge****Grant Information**

Grantee - Governmental Unit Name		Grant Number
Door County Soil and Water Conservation Department		NOD15000Y17
Project Name		
Brickner and Meikle 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
Lawrence J Brickner		770	45.84919	-87.45923
County	12-Digit HUC	12-Digit Watershed Name		
Door	040301020402	Larson Creek-Frontal Green Bay		
Nearest Receiving Waterbody		Primary Waterbody addressed by project		
Larson Creek		Larson 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	
Waste Transfer Systems	1	No.	Code(s) 7				\$12,507.35
Feed Storage Runoff Control System	1	No.	Code(s) 7				\$253,482.20

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.	Door County Ch 23	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*Narrative space will expand to fit*

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

Final Report

Agricultural Targeted Runoff Management &
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The existing bunkers were constructed with an adequate liner and retaining walls and the existing feed pad was lined with asphalt. The asphalt liner and the associated runoff control associated with the feed pad were not a part of this project, as they were established at the site after the effective date of the administrative code, but were incorporated via other funding sources to ensure a comprehensive project that addresses all leachate concerns. All runoff is routed to the constructed runoff control components.

Runoff control and leachate collection was installed in the form of concrete aprons, settling basins and drain tile lines. All captured leachate is transferred to the existing earthen manure storage.

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	08/13/2020

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
Eric Evensen	09/24/2020

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.

Brickner-Meikle Family Farm

Attachments:

- WI DNR Notice of Discharge Report
- WI DNR Notice of Discharge
- Chapter 23 Compliance Notification
- Chapter 23 Compliance Notification Follow Up
- Photos
- Aerial Photo with Installed BMPs Identified
- Aerial Photo with STEPL Watershed
- Load Reduction Modeling Documents

Agricultural Compliance Report (10/30/2017)



Inspection Date: October 17, 2017

Inspection Type: Complaint Response

Operation Address: 7595 Sand Bay Road, Sturgeon Bay, WI 54235

T27N R25E S4 NE NE, Town of Nasewaupee, Door County

On Site Representative: Larry Brickner, Pete Brickner

DNR Staff / Report Author: Erin Carviou, Nonpoint Source Coordinator – Northeast Region

On October 17, 2017 at approximately 9:00 am, Carviou, Brian Forest and Kevin Seng (Door County SWCD) met with Pete and Larry Brickner at the home farm site of Brickner Meikle Family Farms LLC (Farm). The purpose of the inspection was in response to a complaint of feed leachate leaving the farm site and reaching Larson Creek. The weather at the time of the inspection was 54°F, sunny, and dry.

The Farm consists of 400 milking and dry cows, 10 beef cattle, and 294 mixed young stock. Milking cows and young stock are held at the home farm and main milking facility located on Sandy Bay Road, while beef cattle and approximately 30 heifers are held at the Meikle Farm located on Highway 42 in Sturgeon Bay (see Appendix A for further details). Facilities at the main farm site include two waste storage facilities, a clay lined pit located at the original home farm (WSF1) and another clay lined pit storage located next to the original home farm on Sand Bay Road (WSF2). The Farm has 2 feed storage facilities, one concrete feed storage bunker silo (FS1), installed prior to January 1, 2011, and a gravel feed storage pad (FS2), installed after January 1, 2011. See Photo 1 for further details.

The primary resource concern identified in the inspection was black opaque liquid, presumed to be feed storage leachate (leachate), FS1 and FS2, flowing to the ditch on the south side of Sand Bay Road, flowing to the west in the road ditch, and entering Larson Creek. Larry Brickner explained that the high volume of leachate was due to a new variety of corn the farm planted for the 2017 growing season.

At the time of the inspection, a dike was placed at the northwest corner of FS2 to prevent leachate from continuing to flow toward the road ditch. Straw bales were also placed along the road ditch to slow the flow of leachate and promote infiltration. The Farm also placed a channel from the dike at FS2 into WSF1. The Farm discussed placing a permanent channel from the feed storage area to WSF1. Carviou, Forest, and Seng agreed that this was a viable measure and that Door SWCD would come and survey the channel to ensure proper flow. Carviou, Forest, and Seng also informed the Farm that permanent runoff controls must be installed on both FS1 and FS2 to prevent future runoff. Possible cost sharing and eligible cost sharing expenses were discussed with the Farm. The Farm was encouraged to continue working with the Door County SWCD for design and installation of permanent feed storage runoff controls.

Actions Needed:

- Continued management of placed dike and interim controls to contain runoff from a 25 year, 24 hour rainfall event.
- Installment of channel from dike to WSF1 to prevent further runoff.
- Any further interim controls necessary to stop future runoff from entering Larson Creek.
- Cleaning of road ditch along southern side of Sand Bay Road to remove residual ponded leachate and restore vegetation.
- Permanent runoff controls for feed storage areas that meet applicable NRCS standards and contain runoff from a 25 year, 24 hour rainfall event.

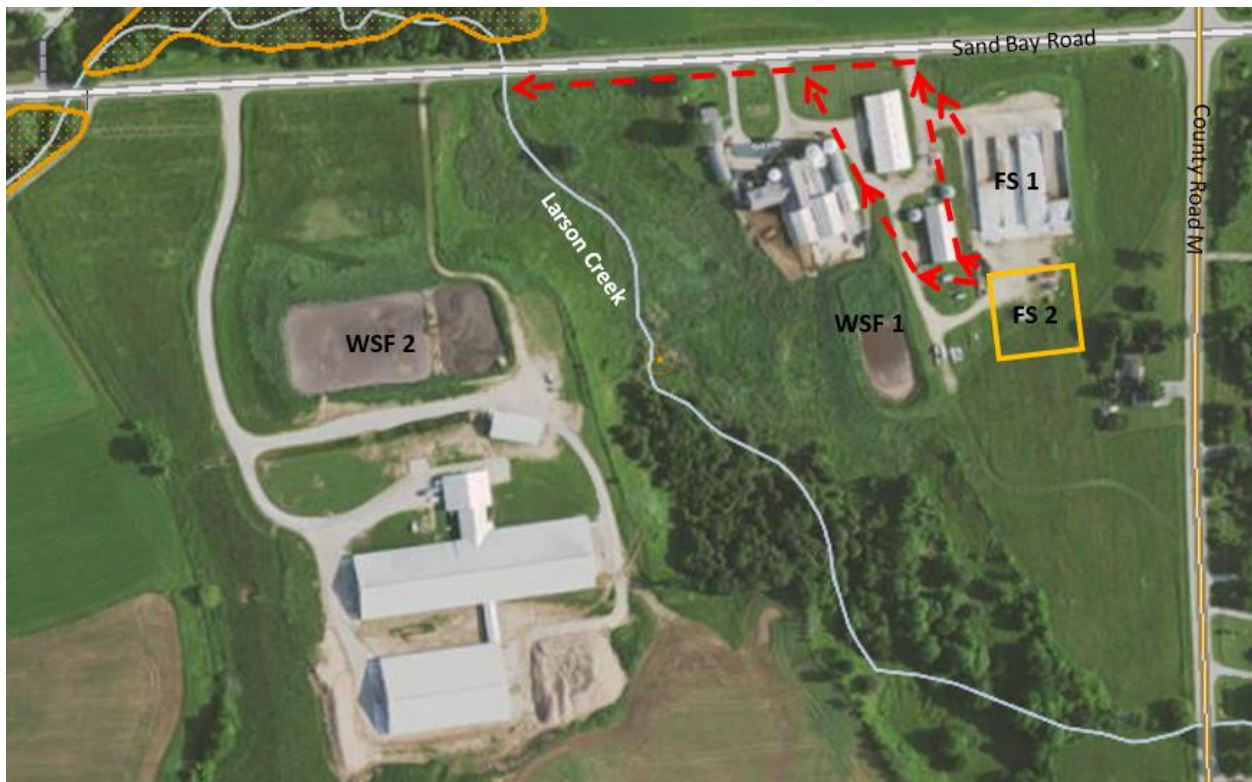


Photo 1

Aerial photo of home farm site and new milking facility located on Sand Bay Road, Sturgeon Bay. Yellow square delineates location of gravel feed storage pad (FS2), placed in 2016. Red arrows delineate approximate location and flow direction of leachate leaving FS1 and FS2. Photo taken from Google Earth.



Photo 2

Photo taken from dike located at the northwest corner of FS2, looking north. Leachate flow is evident in photo from burnt vegetation and ponded liquid outside of dike.



Photo 3

Photo taken from western side of FS1. Leachate is observed in photo, flowing in the direction of the road ditch along Sand Bay Road.



Photo 4

Photo taken from south side of road ditch looking north at western side of FS1, northwestern corner of FS2 is visible in background. Ponded leachate and burnt vegetation are visible in photo. Leachate is also observed in photo leaching through the bunker walls of FS1.



Photo 5

Photo taken from dike at northwest corner of FS2 looking west at channel dug from dike to WSF1.



Photo 6

Photo taken from road culvert at the driveway into feed storage area from Sand Bay Road. Looking west at road ditch. Ponded leachate is visible in photo, as well as straw bales placed to slow leachate flow.



Photo 7

Photo taken from Larson Creek looking east. Burnt vegetation is indicative of leachate flow down to creek.



Photo 8

Photo taken from road ditch looking west at Larson Creek. Channelized flow is noted with residual ponded leachate in the flow channel. Blue arrow indicates location and flow direction of Larson Creek.

APPENDIX A

RECEIVED

OCT 23 2017

DNR GREEN BAY

State of Wisconsin

Department of Natural Resources

Animal Numbers Verification Form

Notice: Complete and submit this form to the DNR to document whether or not you are required to obtain a WPDES permit under Ch. NR 243, Wis. Adm. Code. This form is not an application for a WPDES permit. Personally identifiable information collected will be used for program administration. The Department may also provide this information to requesters under Wisconsin's public records law [ss. 19.31-19.39, Wis. Stats.]

1. LEGAL NAME OF "MAIN" OPERATION & CONTACT INFORMATION

Legal Name of Operation:

Brickner-Meikle Family Farms L.L.C.

Name of Owner or Operator:

Larry Brickner

Phone Number(s):

920-493-7068

Mailing Address - Street, Route or Box

7595 Sand Bay Rd

City/Town, State, Zip Code

Sturgeon Bay WI 54235

Email Address:

larry.brickner@yahoo.com

2. OTHER SITES

Name of Farm/Operation

Physical Location Address

County

1. Old Farm 7325 Sand Bay Rd Sturgeon Bay Door

2. Meikle Farm 4548 Hwy 42 Sturgeon Bay Door

3.

4.

Current Animal Numbers

Animal Type	Main	Site 1	Site 2	Site 3	Site 4	Site 5
Milking & Dry Cows	400					
Heifers (800 - 1200 lbs)	162					
Heifers (400 - 800 lbs)		30	31			
Steers (400lbs to market)			10			
Bulls						
Calves (less than 400 lbs)		71				
Other:						

560

178.2

36.4

10

14.2

799AM

E.C.

10/27/17

Does the operation identified in the previous tables have any plans of expansion in the next 1-2 years (circle one)? Yes **No**

If you circled yes, please fill out the table below to the expected number of animals at each site.

Projected Animal Numbers

Animal Type	Main	Site 1	Site 2	Site 3	Site 4	Site 5
Milking & Dry Cows						
Heifers (800 – 1200 lbs)						
Heifers (400 – 800 lbs)						
Steers (400lbs to market)						
Bulls						
Calves (less than 400 lbs)						
Other:						

I certify that I am familiar with the information contained in the previous tables and that to the best of my knowledge and belief such information is true, complete and accurate. This application must be signed by an individual who is either an owner of the operation identified above or a corporate officer if the operation is incorporated.

Printed Name of Official Representative

Title

Larry Brickner

member

Signature of Official Representative

Date Application Signed

Larry Brickner

10-19-17



November 7, 2017

Brickner-Meikle Family Farms LLC
Attn: Larry or Pete Brickner
7595 Sand Bay Road
Sturgeon Bay WI 54235

****CERTIFIED MAIL****

Subject: Category I Notice of Discharge

Dear Mr. Brickner:

On October 17, 2017 an on-site inspection was conducted by the Department of Natural Resources (Department) and the Door County Soil and Water Conservation Department (SWCD) at your livestock facility located in the NE NE T27N R25E S4, Town of Nasewaupsee, Door County. The intent of this inspection was in response to a complaint regarding feed storage runoff leaving your livestock operation and entering Larson Creek. The operation has approximately 799 animal units and consists of several barns, two manure storage facilities, and two feed storage areas. Please see enclosed agricultural compliance report for further details of the inspection.

During this inspection, feed leachate was observed leaving your feed storage areas and entering a ditch leading to Larson Creek.

Based on the results of this inspection, the Department has reason to believe that:

- Your livestock operation is in violation of s. NR 151.055(2), Wisconsin Administrative Code.

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

- Your operation has a Category I discharge under s. NR 243.24(1)(a), Wisconsin Administrative Code, that is a significant contributor of pollutants to navigable waters.

"A category I unacceptable practice is a practice or facility at an animal feeding operation that causes a point source discharge of pollutants to navigable waters by either of following means: 1. Pollutants are discharged into navigable waters through a man-made ditch, flushing system or other similar man-made device. 2. Pollutants are discharged into navigable waters that originates outside of the operation and pass over, across or through the operation or otherwise come into direct contact with the animals confined at the operation."

- Your operation houses more than 300 animal units.

This is considered to be a serious discharge and through this letter is issuing your operation a Category I Notice of Discharge (NOD) in accordance with s. NR 243.24(3), Wisconsin Administrative Code. Because this discharge is considered a Category I, state rules do not require that cost share dollars be offered to you to implement best management practices. The state is also not required to offer cost share dollars to your operation to stop the discharge. The Department has determined that the gravel feed storage pad (labeled FS2 in the enclosed

agricultural compliance report), was built after the January 1, 2011 promulgation date of s. NR 151.055(2) and therefore ineligible for cost share dollars. In accordance with Wis. Admin. Code Chapter NR 151, once you have achieved compliance with a state performance standard or prohibition, you and all future landowners must maintain that compliance without regard to future cost sharing.

To comply with this notice, complete the following actions:

1. Immediately stop any discharge from the feed storage area into waters of the state.
2. Continued management of interim best management practices, including:
 - a. Management of placed dike and channel to divert feed storage runoff into the waste storage facility.
 - b. Any further interim controls necessary to stop runoff discharge into Larson Creek.
3. Cleaning of road ditch along southern side of Sand Bay Road to remove residual ponded runoff and restore perennial vegetation.
4. Installment of permanent runoff controls for feed storage areas that meet applicable NRCS standards and contain runoff generated from a 25 year, 24 hour rainfall event. Submit written confirmation, such as As-Built Plans, of installation no later than November 1, 2018.

Failure to take corrective actions regarding this discharge may result in the Department taking further enforcement action, such as the issuance of citations, issuance of a WPDES permit, other appropriate stepped enforcement, or referral to the Department of Justice for prosecution.

You are encouraged to work cooperatively with the Door County SWCD to take the necessary management actions to improve the water quality of Larson Creek. Contact Brian Forest at 920-746-2366 for additional information and assistance in complying with this notice.

Your cooperation in this matter is appreciated. Please contact me at 920-662-5419 or Erin.Carviou@wisconsin.gov if you have further questions.

Sincerely,

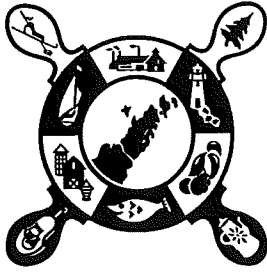


Erin Carviou
Nonpoint Source Coordinator – Northeast Region

Enclosures: Agricultural Compliance Report (10/30/2017)

E-copy: Erin Hanson, Brian Forest, Kevin Seng – Door County SWCD
Mike Gilbertson, Rick Stoll, Casey Jones – WDNR

CC: File



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

October 30, 2017

Brickner-Meikle Family Farms LLC

Larry Brickner

7595 Sand Bay Road

Sturgeon Bay, WI 54235

Certified Mail Receipt: 7015 0640 0004 0166 9113

Mr. Brickner:

This letter is to inform you that an inventory initiated by a complaint was been performed, on October 12, 2017, on property that you own or operate to make a determination of compliance with Statewide Agricultural Performance Standards and Manure Management Prohibitions. Compliance with these standards is a requirement for agricultural land and activities in Door County per Door County Chapter 23, *Agricultural Performance Standards and Animal Waste Storage Ordinance*.

An inventory of compliance for the following activities has been conducted on the following property:

- ☒ Cropped Lands
- ☒ Livestock Operation

- ☒ Manure Handling, Storage and Application
- ☒ Applications of Manure, Commercial Fertilizers and other Nutrients to Agricultural Lands

Property Location (Parcel #): 0200104272511A

The following Agricultural Standards and/or Prohibitions were inventoried on the above property:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Sheet, Rill and Wind Erosion | <input checked="" type="checkbox"/> Clean Water Diversions in a WQMA* |
| <input checked="" type="checkbox"/> Tillage Setbacks | <input checked="" type="checkbox"/> Nutrient Management |
| <input checked="" type="checkbox"/> Phosphorus Index | <input checked="" type="checkbox"/> No overflow of Manure Storage Facilities |
| <input checked="" type="checkbox"/> Manure Storage Facilities (New Construction) | <input checked="" type="checkbox"/> No unconfined Manure Pile in WQMA* |
| <input checked="" type="checkbox"/> Manure Storage (Significant Alteration) | <input checked="" type="checkbox"/> No direct runoff from Feedlot or Stored Manure into Waters of the State |
| <input checked="" type="checkbox"/> Manure Storage (Abandoned Facilities) | <input checked="" type="checkbox"/> No unlimited access of Livestock to Waters of the State |
| <input checked="" type="checkbox"/> Manure Storage (Existing Facilities) | |
| <input checked="" type="checkbox"/> Process Wastewater Handling | |

* Water Quality Management Area

The above listed property has been determined to be compliant with the requirements of the following agricultural performance standards and/or manure management prohibitions:

- Sheet, Rill and Wind Erosion
- Tillage Setbacks
- Phosphorus Index
- Manure Storage Facilities (New Construction)
- Manure Storage (Significant Alterations)
- Manure Storage (Abandoned Facilities)
- Manure Storage (Existing Facilities)
- Clean water diversions in a WQMA
- Nutrient Management
- No overflow of manure storage facilities
- No unconfined manure pile in a WQMA
- No unlimited access of livestock to waters of the state

If any cropland or livestock operation is meeting a cropland or livestock performance standard or prohibition on or after its effective date, the performance standard or prohibition shall continue to be met by the existing owner or operator, heirs or subsequent owners or operators. If an owner or operator alters or changes management in a manner that results in noncompliance, the owner or operator shall return the cropland or livestock facility to compliance regardless of the availability of cost-sharing. 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.

The above listed property has been determined to be non-compliant with the requirements of the following agricultural performance standards and/or manure management prohibitions:

- Process Wastewater Handling
- No direct runoff from feedlot or stored manure into waters of the state

It has been determined that the above listed activities on this property are:

☒ New ☒ Existing

A review of your operation shows that one component of your feed storage system was in place and operating before the effective date of the Process Wastewater Handling portion of the code and is considered to be an existing activity. The other component was constructed after the effective date and is considered a new activity.

It has been determined that installation of the following Best Management Practices and/or corrective measures will be necessary to achieve compliance with the above listed agricultural standards and/or prohibitions and address water quality needs at the above listed property:

- Installation of a Leachate Collection System

The Door County Soil and Water Conservation Department is available to provide or coordinate technical assistance for the planning, design and installation of all best management practices necessary to achieve compliance with the agricultural performance standards and prohibitions. If you choose to address these issues on your own, consultation with the SWCD will be necessary to ensure compliance with agricultural performance standards and prohibitions.

There is currently no cost sharing available for the installation of a Leachate Collection System to achieve compliance. Because of the nature of the discharge, the Wisconsin Department of Natural Resources will compel compliance, regardless of cost-share assistance. At the discretion of Door County, cost-share funding to assist you with the components determined to be existing may be sought in the coming months. Due to the severity of the discharge event documented on October 12, 2017, Door County is issuing a citation for violation of Chapter 23 of the Door County Code. See the attached Citation #2941.

As paraphrased from Section 1.34 (4) (b) (1) of Chapter 23 of the Door County Code: **An owner or operator that receives a notice shall install or implement best management practices and corrective measures to meet a performance standard or prohibition in the time period specified in the notice. Accordingly, you must install corrective measures to achieve compliance, regardless of cost-share assistance.** Compliance shall be accomplished by **November 1, 2018.**

Noncompliance after the established compliance period will result in enforcement. If, after the above mentioned compliance period has elapsed, you remain out of compliance with the above listed agricultural performance standards and prohibitions, 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. Non-compliance after the above mentioned period will also result in the loss 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

ENC.
CERTIFIED MAIL
Appeals Procedure
Citation #2941

Cc
Erin Carviou, WI Department of Natural Resources
Grant Thomas, Corporation Council

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 \$300 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 and at the BOA's sole discretion, the filing fee may be refunded in whole or part. Otherwise, each party must pay its own costs and fees.

COUNTY OF DOOR, WISCONSIN CITATION

DEPOSIT PERMITTED:

\$ 263.50

Date and Time of
Issuance 10/30/17
3:00 pm

Type of Service:

☐ personal☒ mailNO: DC
2941

YOU ARE NOTIFIED TO APPEAR IN

DOOR COUNTY CIRCUIT COURT
DOOR COUNTY JUSTICE CENTER
1209 S. Duluth
Sturgeon Bay, WI 54235

Court Appearance Date: 11/20/17

Time: 9:00 ☒ AM ☐ PM(This is not a mandatory appearance. Read reverse side of
this citation for more information.)

Defendant(s) Name:

Last: Brickner

First: Lawrence

MI: J

Last:

First:

MI:

Defendant Address:

Street: 7595 Sand Bay Road

PO Box:

City: Sturgeon Bay

State: WI

Zip Code: 54235

License Plate or VIN:

Defendant Violated: Section No. Chapter 23, Section 1.31 (5) (d)

Description of Violation: Chapter 23, Section 1.31 (5) (d) states that a livestock producer shall have no direct runoff from a feedlot or stored manure into waters of the state.

Chapter 23, Section 1.11 (15) (b) defines "direct runoff" as runoff of stored manure, including manure leachate, that discharges a significant amount of pollutants to surface waters of the state or to a direct conduit to ground water

Chapter 23, Section 1.11 (25) defines "manure" as material that consists primarily of excreta from livestock or other animals. Manure includes materials mixed with runoff, bedding contaminated with litter or excreta, or process wastewater. "Process wastewater" has the meaning given in §§ NR 151.015 (16) NR 243.03 (53), Wis Adm Code.

Week Day	Month- Day- Year	Time: 11:30 AM	Location of violation: PIN #0200104272511A
Thursday	10-12-2017	PM	

Person Issuing the Violation

Legibly Print Name:

Brian Forest

Signature:

Title: Conservationist

By authority of Section 35.01 of Door County Code and/or: Chapter 23

INSTRUCTIONS - READ CAREFULLY

You may mail or deliver a deposit in cash, by money order or by certified check to the Clerk of Courts, no later than one week prior to the Court Appearance date shown on the reverse of this citation, to the following address:

Door County Justice Center
Clerk of Courts
1205 S. Duluth Ave.
Sturgeon Bay, WI 54235

The only forms of payments accepted are: cash, money order or certified check. Checks shall be made payable to the "Clerk of Courts".

If you make such deposit you need not appear in court unless you are subsequently summoned. If you make such deposit and you do not appear in court, you will be deemed to have tendered a plea of no contest and submitted to the forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, Wis. Stats., not to exceed the amount of the deposit. If the Court does not accept your no contest plea, you will be summoned into court to answer the complaint.

If you do not make a cash deposit and if you fail to appear in court at the time specified, the court may issue a summons or a warrant for your arrest, or consider the nonappearance to be a plea of no contest and enter judgment against you under Sec. 66.0113 (3)(d) Wis. Stats., or the County of Door may commence an action against you to collect the forfeiture, plus costs, fees, and surcharges imposed under Ch. 814, Wis. Stats.

If the court finds the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than yourself, you may be summoned into court to determine if restitution should be ordered under Sec. 800.093, Wis. Stats.

The cash deposit may be retained for application against any forfeiture, costs, fees, and surcharges that may be imposed.

If you wish to contest this citation, you may enter a not guilty by certified mail addressed to the court shown on the reverse of this citation.

If you elect to make the cash deposit and understand all of the statement above, please sign where indicated below and timely deliver or mail this signed form with your deposit to the Clerk of Courts at the above address.

ACKNOWLEDGEMENT

I, the undersigned, am the defendant, have read and understood the above, elect to make a cash deposit, and will send this signed acknowledgement with the cash deposit.

Signature: _____ Date: _____

Plea

Print Name: _____

Print Address: _____

I hereby plead:

- ☐ guilty;
- ☐ no contest; or
- ☐ not guilty

AFFIDAVIT OF MAILING

I, Beth Hanson, an adult resident of the State of Wisconsin, being duly sworn, state that on October 30, 2017, I mailed, properly enclosed in a postpaid envelope, Citation No: DC 2941 to the following named person at her/his last known address (shown below):

Lawrence Brickner
7595 Sand Bay Road
Sturgeon Bay, WI 54235

Beth Hanson

Beth Hanson, Administrative Assistant

Subscribed and sworn to before me

on OCTOBER 30, 2017

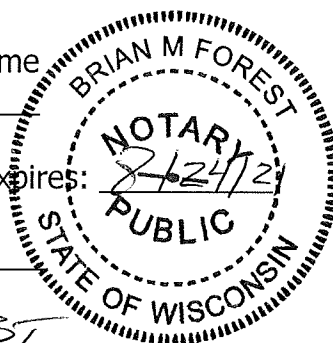
Door County, Wisconsin

My commission is permanent / expires: 8-24-21

Brian M Forest

BRIAN M FOREST

Printed Name & Signature of Notary Public





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

August 13, 2020

Brickner-Meikle Family Farm
Larry Brickner
7595 Sand Bay Road
Sturgeon Bay, WI 54235

Mr. Brickner,

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 Agricultural Performance Standards and Animal Waste Storage Ordinance notification letter sent to you on October 30, 2017.

Property Location (Parcel #): 0200104272511A

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 black ink, appearing to read "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.



Brickner-Meikle Family Farm



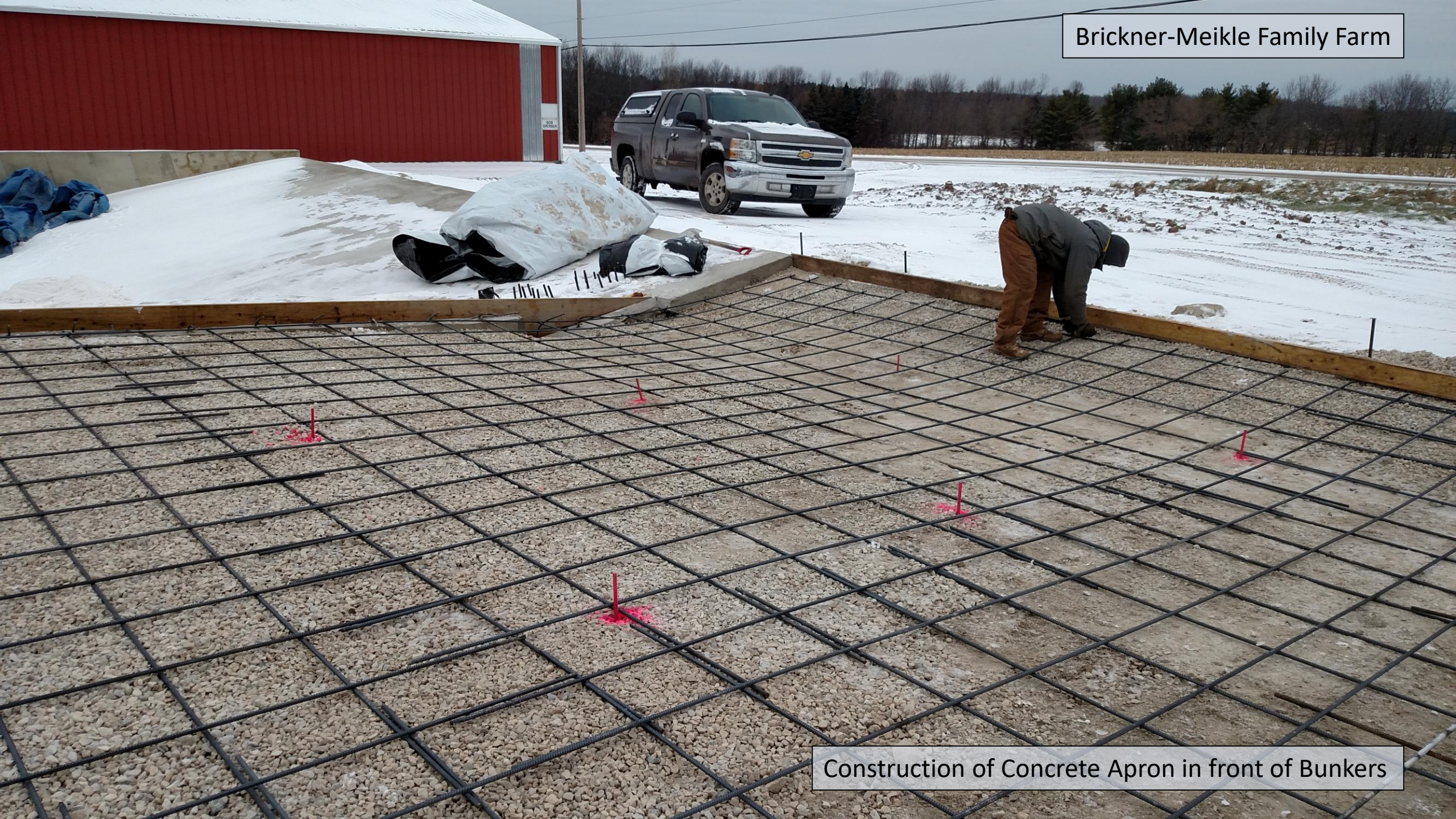
Discharge in Road Ditch Traveling West



Brickner-Meikle Family Farm



Discharge Entering Larson Creek



Construction of Concrete Apron in front of Bunkers





Brickner-Meikle Family Farm



Settling Basin for Bunkers



Brickner-Meikle Family Farm

Construction of Manhole and Transfer Lines



Installed Manhole and Transfer Pump



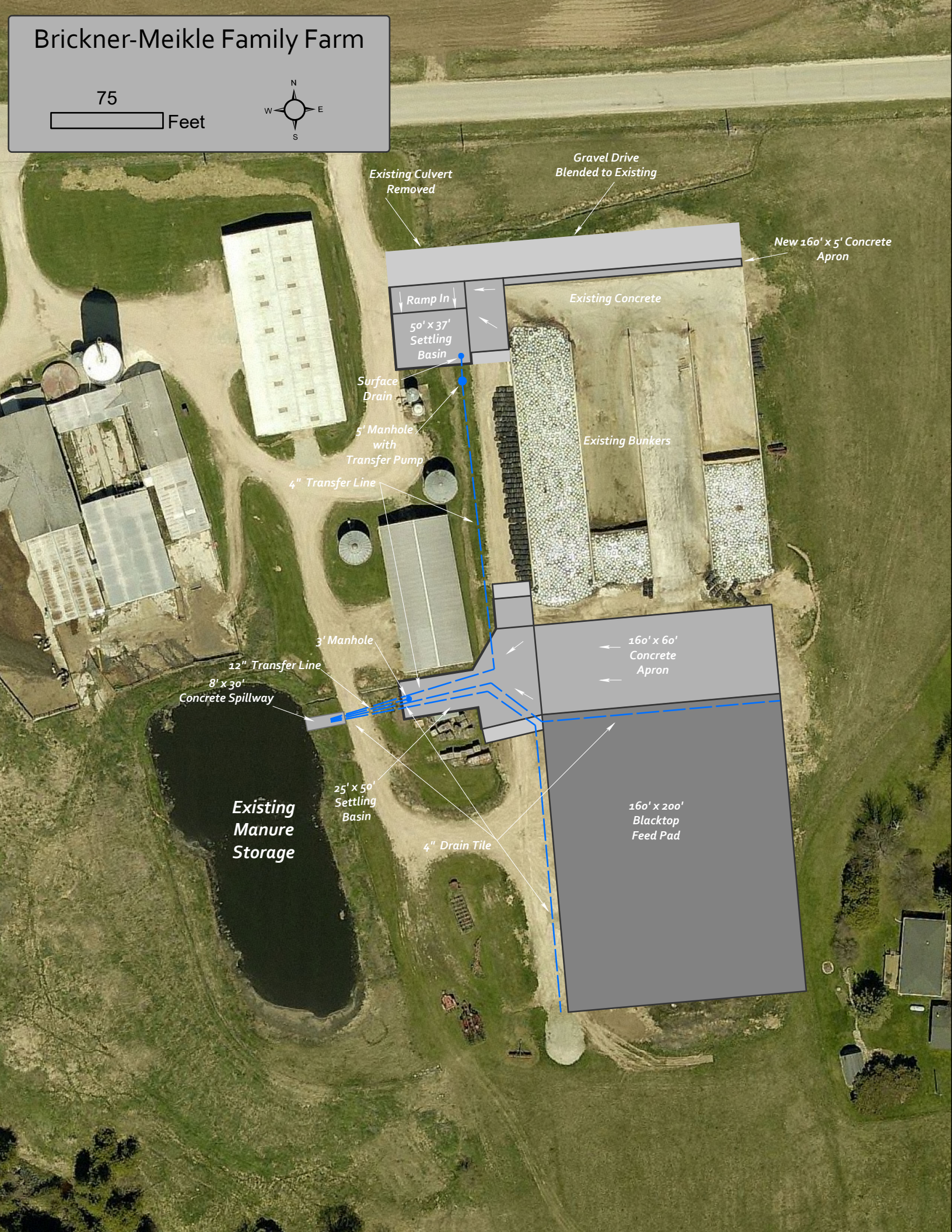
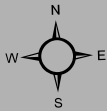
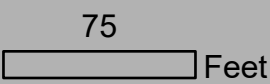




Installation of Clay Berm Along Feed Pad Edge



Brickner-Meikle Family Farm



Existing Culvert
Removed

Gravel Drive
Blended to Existing

New 160' x 5' Concrete
Apron

Ramp In
50' x 37'
Settling
Basin

Existing Concrete

Surface
Drain
5' Manhole
with
Transfer Pump

Existing Bunkers

4" Transfer Line

3' Manhole

12" Transfer Line
8' x 30'
Concrete Spillway

160' x 60'
Concrete
Apron

Existing
Manure
Storage

25' x 50'
Settling
Basin

160' x 200'
Blacktop
Feed Pad

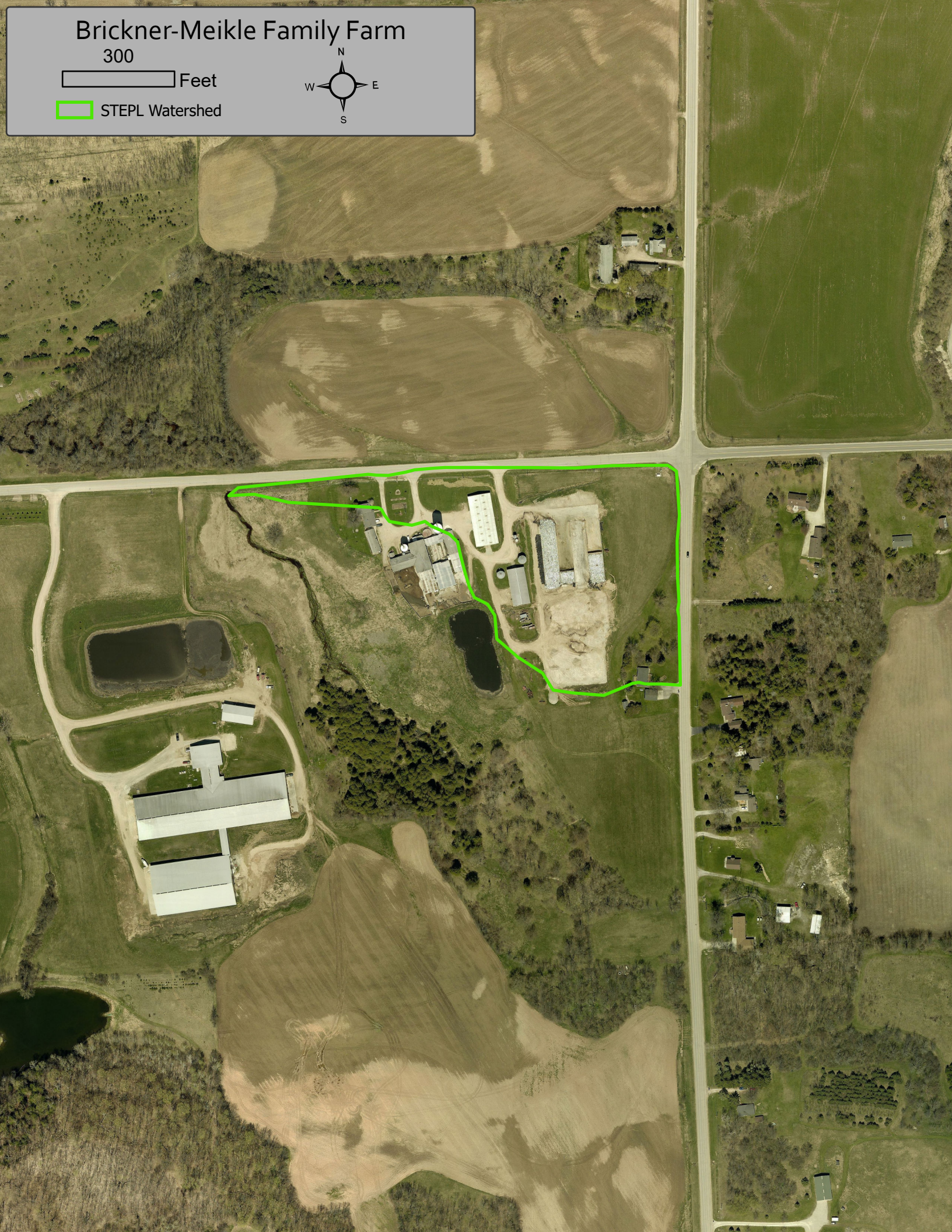
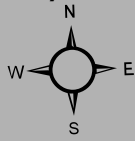
4" Drain Tile

Brickner-Meikle Family Farm

300

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	35.3	5.5	121.1	0.9	0.0	0.0	0.0	0.0	35.3	5.5	121.1	0.9	0.0	0.0	0.0	0.0
Total	35.3	5.5	121.1	0.9	0.0	0.0	0.0	0.0	35.3	5.5	121.1	0.9	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	33.49	5.36	120.56	0.80
Cropland	0.00	0.00	0.00	0.00
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	0.29	0.11	0.58	0.09
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	1.48	0.06	0.00	0.00
Total	35.26	5.53	121.14	0.89