

Permit Fact Sheet

General Information

Permit Number:	WI-0066231-02-0
Permittee Name:	Robinway Dairy, LLC
Address:	17231 Point Creek Rd
City/State/Zip:	Kiel, WI 53042
Discharge Location:	17231 Point Creek Rd; Kiel, WI 53042 (T17N, R22E, Sec. 7)
Receiving Water:	Surface waters within the Manitowoc River and Sheboygan River Watersheds, and groundwaters of the state
Discharge Type:	Existing

Animal Units					
	Current AU		Proposed AU (Note: If all zeroes, expansions are not expected during permit term)		
	Mixed	Individual	Mixed	Individual	Date of Proposed Expansion
Animal Type					
Dairy Calves (under 400 lbs.)	115	0	100	0	05/24/2025
Milking and Dry Cows	2520	2574	2510	2564	05/24/2025
Heifers (800 lbs. to 1200 lbs.)	0	0	91	83	05/24/2025
Steers or Cows (400 lbs. to market)	120	120	272	272	05/24/2025
Total	2755	2574	2973	2564	

Facility Description

Robinway Dairy, LLC is an existing Concentrated Animal Feeding Operation (CAFO) located in the Township of Meeme, Manitowoc County. Robinway Dairy consists of one production site located at 17231 Point Creek Road; Kiel, WI 53042, and is owned and operated by Jay Binversie. The current herd size is 2,755 animal units. The farm plans to expand to 2,973 animal units over the upcoming permit term. Approximately 28.6 million gallons of liquid manure and process wastewater, and 7,447 tons of solid manure will be produced annually at the expanded herd size. The farm will be constructing a new waste storage facility onsite. Once completed, the facility will have approximately 281 days of storage for liquid manure. Currently, the farm has 189 days of storage for liquid manure. Robinway Dairy currently has 3,757.4 acres (884.7 owned and 2,872.7 controlled through contracts, rental agreements or leases, or under manure agreements) of which 3,495.5 are spreadable acres.

Substantial Compliance Determination

After a desk top review of all discharge monitoring reports, land application reports, compliance schedule items, and a site visit on 4/17/2023, this facility has been found to be in substantial compliance with their current permit.

Compliance determination entered by Trenton Brenny (WDNR CAFO Specialist) on 5/13/2024.

Sample Point Designation For Animal Waste	
Sample Point Number	Sample Point Location, Waste Type/Sample Contents and Treatment Description (as applicable)
001	WSF 1 - Sample point 001 is for liquid waste storage facility 1 (WSF 1). WSF 1 is the first stage of a two-stage earthen liquid storage located on the southwest side of the production area. WSF 1 is located east of WSF 2. This facility was constructed in 1995 and has a usable capacity of 2.63 million gallons. An evaluation of this facility was performed in 2015 and the facility was found to meet permit requirements.
002	Underbarn Manure Storage - Sample point 002 is for the concrete underbarn liquid waste storage facility located beneath the open-face barn on the west side of the production area. This storage facility was constructed in 1981 and has a usable capacity of 202,500 gallons. This facility is required to be abandoned during the permit term, see Schedules section for details.
003	Slurry Store - Sample point 003 is for the Slurry Store liquid waste storage facility. This storage facility was built in 1977 and has a capacity of approximately 850,000 gallons. This storage facility was evaluated and modified in 2021 to meet permit requirements.
004	Miscellaneous Solid Manure – Sample point 004 is for solid manure sources that are directly land applied and not stored in a waste storage facility. This includes solid sources such as calf hutch manure, maternity pen bedpack, heifer bedpack, steer manure, etc. Representative samples shall be taken for each manure source type.
006	Feed Storage & Runoff Controls - Sample point 006 is for the visual monitoring of the East and West feed storage areas and associated runoff control systems. Proper operation and maintenance is required to ensure that discharges meet permit requirements. Weekly inspections are required and shall be recorded according to the monitoring program. Plans and Specifications will need to be submitted for the runoff control system associated with the East FSA, see Schedules section for details.
007	WSF 2 - Sample point 007 is for liquid waste storage facility 2 (WSF 2). WSF 2 is the second stage of a two-stage earthen liquid storage located on the southwest side of the production area. WSF 2 is located west of WSF 1. This facility was constructed in 1995 and has a usable capacity of 4.54 million gallons. An evaluation of this facility was performed in 2015 and the facility was found to meet permit requirements.
008	Settled Solid Manure – Sample point 008 is for and manure solids removed from bottom of liquid waste storage facilities. This includes manure-laden sand solids, manure fiber solids, etc. Representative samples shall be taken from each waste storage facility.
009	Headland Stacking Sites: Sample point 009 is for solid manure stacked in approved headland stacking locations. Representative samples shall be taken of this manure prior to land application. Note: Headland stacking sites are subject to production site discharge limitations; weekly visual monitoring is required during use of stacking sites to ensure discharges meet permit requirements.
010	Storm Water Runoff Controls - Sample point 010 is for visual monitoring and inspection of all production site storm water conveyance systems. This includes roof gutter and downspout structures, drainage tile systems, grassed waterways and other diversion systems that transport uncontaminated storm water. Proper operation and maintenance is required to keep uncontaminated runoff diverted away from manure and process wastewater handling systems. Weekly inspections are required and shall be recorded according to the monitoring program.

Sample Point Designation For Animal Waste	
Sample Point Number	Sample Point Location, Waste Type/Sample Contents and Treatment Description (as applicable)
011	Sample point 011 is for separated manure solids. These are typically stored in under roof on the west end of the West feed storage area. Separated solids may also be distributed to another party according to Department approval and Distribution of Manure and Process Wastewater section of permit.
012	WSF 3: Sample point 012 is for the proposed liquid waste storage facility 3 (WSF 3). It's proposed, and approved, to be built adjacent (south) to WSF 1 and WSF 2. The facility has a proposed capacity of 13.7 million gallons and will be required to be constructed during the permit term, see Schedules section for due dates.
013	WSF 4: Sample point 013 is for the proposed liquid waste storage facility 4 (WSF 4). It is proposed to be constructed on the east side of the VTA and collect runoff from the East FSA and calf hutch area. WSF 4 will be required to be constructed during the permit term, see Schedules section for due dates.

1 Livestock Operations - Proposed Operation and Management

Production Area Discharge Limitations

Beginning on the effective date of the permit, the permittee may not discharge pollutants from the operation's production area (e.g., manure storage areas, outdoor animal lots, composting and leachate containment systems, milking center wastewater treatment/containment systems, raw material storage areas) to navigable waters, except in the event a 25-year, 24-hour rainfall event (or greater) causes the discharge from a structure which is properly designed and maintained to contain a 25-year, 24-hour rainfall event for this location as determined under s. NR 243.04. If an allowable discharge occurs from the production area, state water quality standards may not be exceeded.

Runoff Control

The permit requires control of contaminated runoff from all elements of the production area to prevent a discharge of pollutants to navigable waters in accordance with the Production Area Discharge Limitations and to comply with surface water quality standards and groundwater standards. Beginning on the effective date of this permit, (if needed) interim measures shall be implemented to prevent discharges of pollutants to navigable waters. In addition, permanent runoff control system(s) shall be designed, operated and maintained in accordance with the requirements found in USDA Natural Resources Conservation Service standards and ch. NR 243, Wis. Adm. Code. If any upgrading or modifications to runoff controls are necessary, formal engineering plans and specifications must be submitted to the Department for approval.

Manure and Process Wastewater Storage

The permit requires the operation to have adequate storage for manure and process wastewater and that storage or containment facilities are designed, operated and maintained to prevent overflows and discharges to waters of the state. In order to prevent overflows, the permittee must maintain levels of materials in liquid storage or containment facilities at or below certain levels including a one-foot margin of safety that can never be exceeded. If any upgrading or modifications to the storage facilities are necessary, formal engineering plans and specifications must be submitted to the Department for approval.

The permittee will have approximately 281 days of storage for liquid manure after the construction of the additional waste storage facility is complete. Currently, the permittee has approximately 189 days of storage for liquid manure. The permittee must maintain 180 days of storage, unless temporary reductions in required storage are approved by the Department.

Solid Manure Stacking

The operation has proposed to stack solid manure. All stacking of solid manure shall be done in accordance ch. NR 243, Wis. Adm. Code, which includes restrictions from NRCS Standard 313. Stacking of manure is considered to be part of the production area and is subject to the Production Area Discharge Limitations.

Ancillary Service and Storage Areas

The permittee shall take preventative maintenance actions and conduct visual inspections to minimize pollutant discharges from areas of the operation that are not part of the production area or land application areas. These areas are called ancillary service and storage areas and include access roads, shipping and receiving areas, maintenance areas, refuse piles and CAFO outdoor vegetated areas.

Nutrient Management

With a herd size of 2,974 animal units, it is estimated that approximately 28.6 million gallons and 7,447 tons of manure and process wastewater will be produced per year. The permittee owns *approximately* 885 acres of cropland and rents about 2,873. Given the rotation commonly used by the permittee, 3,496 acres are available (or open) to receive manure and process wastewater on an annual basis. The permit requires all landspreading of manure and process wastewater be completed in accordance with an approved nutrient management plan. The permit will require sampling and analysis of manure and process wastewater that will be landspread. Landspreading rates must be adjusted based on sample analysis. The permit requires the permittee to maintain a daily log that documents landspreading activities. The permit also requires the submittal of an annual report that summarizes all landspreading activities. Plans must be updated annually to reflect cropping plans and other operational changes. Among the requirements, the plans must include detailed landspreading information including field by field nutrient budgets.

The permittee is required to implement a number of practices to address potential water quality impacts associated with the land application of manure and process wastewater. Among the permit conditions are restrictions on manure ponding, restrictions on runoff of manure and process wastewater from cropped fields, and setbacks from wells and direct conduits to groundwater (e.g., sinkholes, fractured bedrock at the surface). In addition, the permittee must implement a phosphorus based nutrient management plan that addresses phosphorus delivery to surface waters by basing manure and process wastewater applications on soil test phosphorus levels or the Wisconsin Phosphorus index. Additional phosphorus application restrictions apply to fields that are high in soil test phosphorus (>100 ppm).

The permittee must also implement conservation practices when applying manure near navigable waters and their conduits, referred to as the Surface Water Quality Management Area (SWQMA). These practices include a 100-foot setback from navigable waters and their conduits, a 35-foot vegetated buffer adjacent to the navigable water or conduit, or a practice that provides equivalent pollutant reductions equivalent to or better than the 100-foot setback.

In addition, the permittee must comply with restrictions on land application of manure and process wastewater on frozen or snow-covered ground. Included in these restrictions is a prohibition on surface applications of solid manure ($\geq 12\%$ solids) on frozen or snow-covered ground during February and March. Non-emergency surface applications of liquid manure (<12%) on frozen or snow-covered ground are prohibited.

Monitoring and Sampling Requirements

The permittee must submit a monitoring and inspection program that outlines how the permittee will conduct self-inspections to determine compliance with permit conditions. These self-inspections include visual inspections of water lines, diversion devices, storage and containment structures and other parts of the production area. The permit requires periodic inspections and calibrations of landspreading equipment. The permittee must take corrective actions to problems identified inspections or otherwise notify the Department. Samples of manure, process wastewater and soils receiving land applied materials from the operation must also be collected and analyzed.

Sampling Points

The permit identifies the different sources of land applied materials (e.g., manure storage facilities, milking centers, egg-washing facilities) as “Sampling Points.” For these Sampling Points, the permittee is required to sample and analyze the different sources for nutrients and other parameters which serve as the basis for determining rates of application for these materials. Other areas are also identified as Sampling Points as a means of identifying them as areas requiring action by the permittee, such as an upgrade or evaluation of a certain system or structure (e.g., runoff control systems), even though sampling is not actually required.

Sample Point Number: 001- WSF 1; 002- Underbarn WSF; 003- Slurry WSF; 007- WSF 2; 012- WSF 3, and 013- WSF 4

Monitoring Requirements and Limitations					
Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Notes
Nitrogen, Total		lb/1000gal	2/Month	Grab	
Nitrogen, Available		lb/1000gal	2/Month	Calculated	
Phosphorus, Total		lb/1000gal	2/Month	Grab	
Phosphorus, Available		lb/1000gal	2/Month	Calculated	
Solids, Total		Percent	2/Month	Grab	

1.1.1 Changes from Previous Permit

Sample Points 012 and 013 were added to the permit. They represent waste storage facilities that will be constructed during the permit term.

1.1.2 Explanation of Operation and Management Requirements

Liquid manure and process wastewater is required to be sampled twice per month that land application occurs. Samples are to be analyzed for the parameters listed in the table above. Land application shall occur in accordance with the operation’s approved nutrient management plan. Liquid manure storage structures shall be inspected according to the operation’s monitoring and inspection program. Inspection findings shall be submitted to the department annually on January 31.

Sample Point Number: 004- Miscellaneous Solid Manure; 008- Settled Solid Manure; 009- Headland Stacking Sites, and 011- Separated Solids

Monitoring Requirements and Limitations					
Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Notes
Nitrogen, Total		lbs/ton	Quarterly	Grab	
Nitrogen, Available		lbs/ton	Quarterly	Calculated	

Monitoring Requirements and Limitations					
Parameter	Limit Type	Limit and Units	Sample Frequency	Sample Type	Notes
Phosphorus, Total		lbs/ton	Quarterly	Grab	
Phosphorus, Available		lbs/ton	Quarterly	Calculated	
Solids, Total		Percent	Quarterly	Grab	

1.1.3 Changes from Previous Permit

No changes were made to Sample Point 004, 008, 009, or 011.

1.1.4 Explanation of Operation and Management Requirements

Solid manure is required to be sampled once per quarter that land application occurs. Samples are to be analyzed for the parameters listed in the table above. Land application shall occur in accordance with the operation's approved nutrient management plan. Solid manure storage structures shall be inspected according to the operation's monitoring and inspection program. Inspection findings shall be submitted to the department annually on January 31.

Sample Point Number: 006- Feed Storage & Runoff Controls and 010- Storm Water Runoff Controls

1.1.5 Changes from Previous Permit

No changes were made to Sample Point 006 or 010.

1.1.6 Explanation of Operation and Management Requirements

Sample Points 006 and 010 are required to be inspected in accordance with the operation's monitoring and inspection program. Results shall be submitted to the department annually on January 31.

2 Schedules

2.1 Emergency Response Plan

Required Action	Due Date
Develop Emergency Response Plan: Develop a written Emergency Response Plan within 30 days of permit coverage, available to the Department upon request.	08/01/2024

2.2 Monitoring & Inspection Program

Use of the department's monitoring and inspection program template is encouraged, but optional.

Required Action	Due Date
Proposed Monitoring and Inspection Program: Consistent with the Monitoring and Sampling Requirements subsection, the permittee shall update and submit a proposed monitoring and inspection program within 60 days of the effective date of this permit.	09/01/2024

2.3 Annual Reports

Submit Annual Reports by January 31st of each year in accordance with the Annual Reports subsection in Standard Requirements.

Required Action	Due Date
Submit Annual Report #1: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2025
Submit Annual Report #2: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2026
Submit Annual Report #3: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2027
Submit Annual Report #4: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2028
Submit Annual Report #5: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2029
Ongoing Annual Reports: Continue to submit Annual Reports until permit reissuance has been completed.	

2.4 Nutrient Management Plan

Submit annual nutrient management plan (NMP) updates by March 31 of each year. Note, in addition to annual NMP updates, submit NMP amendments and substantial revisions to the department for written approval prior to implementation of any changes to the NMP.

Required Action	Due Date
Management Plan Submittal: Submit any necessary updates to the Nutrient Management Plan to meet the conditions outlined in this permit (see conditions in the Livestock Operational and Sampling Requirements section).	
Management Plan Annual Update #1: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2025
Management Plan Annual Update #2: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2026
Management Plan Annual Update #3: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2027
Management Plan Annual Update #4: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2028
Management Plan Annual Update #5: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2029
Ongoing Management Plan Annual Updates: Continue to submit Annual Updates to the Nutrient	

Management Plan until permit reissuance has been completed.	
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2.5 (WSF 5) Runoff Control System - Installation

Install a runoff control system for the East VTA (includes WSF 5)

Required Action	Due Date
Plans and Specifications: Submit plans and specifications for a permanent East FSA runoff control system for Department review and approval in accordance with Chapter 281.41, Wis. Stats., and Chapter NR 243, Wis. Adm. Code. See Standard Requirements for plan content information.	01/01/2025
Complete Installation: Complete construction of runoff control system. System shall be functional and in operation by the specified Date Due. Post construction documentation shall be submitted within 60 days of completion of the project.	01/01/2026

2.6 Underbarn Manure Storage Facility - Abandonment

Required Action	Due Date
Abandonment Plan: Submit an abandonment plan for the Underbarn manure storage facility to the Department for approval in accordance with USDA Natural Resource Conservation Services Technical Guide, Section IV, Standard 360 outlining the proposed method of abandonment.	01/01/2025
Complete Abandonment: Complete abandonment as approved by the Department.	01/01/2026

2.7 Manure Storage Facility - Installation

WSF 4

Required Action	Due Date
Plans and Specifications: Plans have been submitted and approved, but may need to be reapproved pending construction timeline	07/01/2024
Complete Installation: Complete construction of the manure storage facility. The facility shall be functional and in operation by the specified Date Due. Post construction documentation shall be submitted within 60 days of completion of the project.	01/01/2026

2.8 Submit Permit Reissuance Application

Required Action	Due Date
Reissuance Application: Submit a complete permit reissuance application 180 days prior to permit expiration.	01/31/2029

2.9 Explanation of Schedules

Schedule items 2.1, 2.2, 2.3, 2.4, and 2.8 are typical and required for all CAFO permittees. Schedule item 2.5 has been added to the permit schedule to comply with feed storage area runoff control permit requirements. Schedule item 2.6 has been added to the permit schedule to remove a facility that does not meet permit requirements. Schedule item 2.7 has been added to the permit schedule to meet the 180-day liquid waste storage requirements after schedule item 2.6 is complete.

Attachments:

Map(s)

Plan Approval Letter(s)

Expiration Date: 6/30/2029

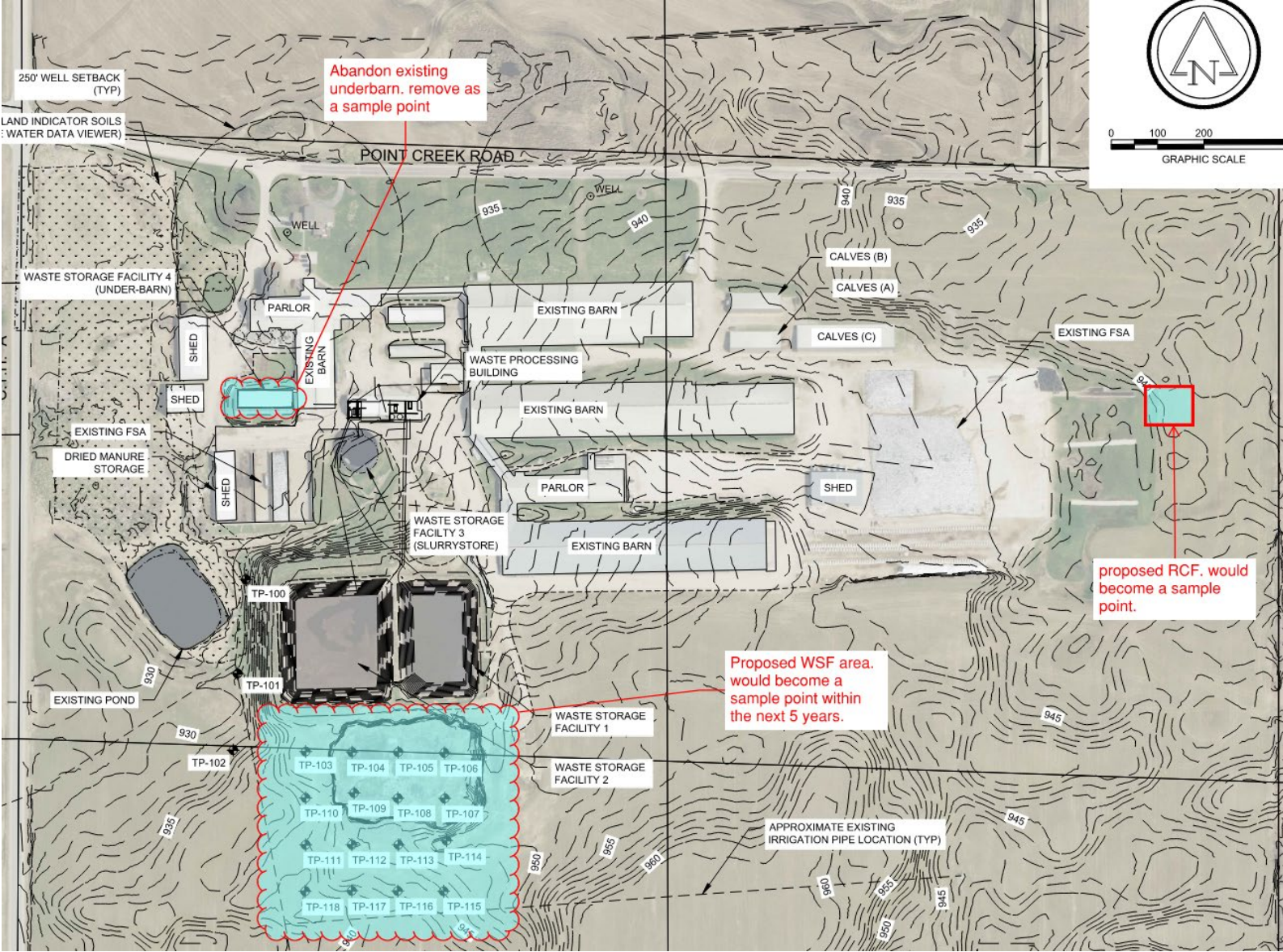
Prepared By:

Trent Brenny

Agricultural Runoff Management Specialist

Date: 5/13/2024

Proposed Site Map





April 23, 2024

FILE REF: R-2023-0108
 WPDES Permit #: WI-0066231

Jay Binversie
 Robinway Dairy LLC
 17231 Point Creek Road
 Kiel, WI 53402

Subject: Days of Storage Review for Robinway Dairy LLC, NW¼ of T17N, R22E, Section 07 in Meeme Township, Manitowoc County – NO ADDITIONAL ACTION REQUIRED

Dear Mr. Binversie:

This letter is to inform you that the Wisconsin Department of Natural Resources (Department) has completed its review of the calculation of days of storage submitted under certification by Jess Ray, Outland Design on April 30, 2023 on behalf of Robinway Dairy LLC.

The Department reviewed the submitted calculations in accordance with ss. NR 243.14(9) and NR 243.15(3)(i) to (k), Wis. Adm. Code. Under s. NR 243.17(3)(c), Wis. Adm. Code, the permittee shall demonstrate compliance with the 180-day design storage capacity requirement at specified times. For the following liquid manure storage calculations, the Department has determined **no additional actions** on your part are required.

Days of Available Liquid Waste Storage: The submitted information states that Robinway Dairy LLC has 281 days of liquid waste storage based on the volumes listed in the table below with respect to s. NR 243.15(3)(i) to (k), Wis. Adm. Code. The current number of animal units provided for the calculation is 2,974. The liquid waste volumes are based on manure hauling logs for a collection period of 365 days. Robinway Dairy LLC has a clean water conversion system (LWR) used for sand separation, cow cooling, washing, and the solids are stored in a bunker. The efficiency of the clean water conversion system is currently unknown, therefore hauling logs were used in place of the calculated values to present a more accurate picture of how the site is currently operating. The calculations include the proposed WSF5 that was approved on June 16, 2022 (Project Ref: R-2022-0071).

Waste Storage	Total Vol. from Settled Top to Bottom	Solids Storage	25-yr, 24-hr Precip. on Storage	25-yr, 24-hr Collected Runoff	Freeboard Vol.	Max. Operating Level (MOL) Vol.
WSF1	3,267,394	187,010	122,446	0	320,932	2,637,006
WSF2	5,452,920	275,005	174,859	0	459,312	4,543,744
WSF3 (Slurrystore)	939,965	37,599	14,419	0	37,599	850,348
WSF4 (Underbarn)	249,234	31,154	0	0	15,577	202,503
WSF5 (Proposed)	16,557,831	766,087	453,418	0	1,609,761	13,728,565
Total MOL Vol:						21,962,166
Days of Storage:						281

Annual Manure and Process Wastewater Application Volumes			
Year	Gallons Applied	Avg. Yearly AUs	Gallons/AU
2018	22,105,938	2,922	7,565
2019	26,473,807	2,752	9,620
2020	30,837,807	2,988	10,321
2021	30,479,186	2,961	10,294
2022	30,348,153	2,974	10,204
Average Volume/AU			9,601
Average Annual Volume for Current AUs			28,552,644

Should you have any questions, please contact Tony Salituro, DNR Madison office or your regional CAFO Specialist.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the 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 WIS. STAT. §§ 227.52 and 227.53, 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 must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to WIS. STAT. § 227.42, 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. All requests for contested case hearings must be made in accordance with WIS. ADMIN. CODE § NR 2.05(5), and served on the Secretary in accordance with WIS. ADMIN. CODE § NR 2.03. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES



Bernie Michaud, P.E.
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Watershed Management Program



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May 10th, 2024

Manitowoc County
Approval

Jay Binversie
Robinway Dairy, LLC
17231 Point Creek Rd
Kiel, WI 53042

SUBJECT: Conditional Approval of Robinway Dairy, LLC Nutrient Management Plan, WPDES Permit No. 0066231-02-0

Dear Mr. Binversie:

After completing a review of Robinway Dairy, LLC 2024-2028 Nutrient Management Plan (NMP) the Wisconsin Department of Natural Resources (Department) is providing conditional approval that it is consistent with Nutrient Management Requirements in s. NR 243, Wis. Adm. Code. This part of your WPDES permit application is now ready for the public notice and comment process as required by Ch. 283 Stats.

Before applying manure onto approved fields each season, the Department recommends Robinway Dairy, LLC review the NMP with those individuals involved with manure applications to ensure all remain familiar with the approved manure spreading protocol, spreading maps, field and map verification, record keeping requirements, and all the conditions of this approval. Specifically, some fields in Robinway Dairy, LLC may have:

- Soils that may have bedrock or groundwater within 24 inches of surface,
- Multiple setback areas due to streams, conduits to streams, grassed waterways, wetlands or wells, and
- Evidence of possible soil erosion/flow channels. Note: road ditches or other man made channels may be considered flow channels or conduits to navigable water and may be subject to a SWQMA and setback.

Reviewing the NMP and checking fields for these features and soil conditions prior to manure applications will help Robinway Dairy, LLC maintain compliance with their WPDES permit and Ch. NR 243 requirements.

FINDINGS OF FACT

The Department confirms that:

1. A current dairy herd size of 2,974 animal units (1,793 milking & dry cows, 83 heifers, 500 calves and 272 steers). Currently there are no planned expansions in the next permit term.
2. Manure generation and spreading records indicate your herd will annually generate approximately 28,552,644 gallons of manure and process wastewater and 7,447 tons of solid manure in the first year of the permit term.
3. The use of application restriction options 1 and 5 within surface water quality management areas.
4. The use of phosphorus delivery method P Index.
5. That Robinway Dairy, LLC currently has 3,757.4 acres (884.7 owned and 2,872.7 controlled through contracts, rental agreements or leases, or under manure agreements) of which 3,495.5 are spreadable acres.

6. That some fields included in the NMP are directly adjacent to or have high potential to deliver nutrients and sediment to Manitowoc River, Jordan Creek (listed 303(d) impaired water by ‘PCB’s’), Mud Creek, Meeme River, Sheboygan River (listed 303(d) impaired water by ‘total phosphorus’), Pine Creek (listed 303(d) impaired water by ‘PCBs’ & ‘total phosphorus’).
7. That no fields are directly adjacent to or have high potential to deliver nutrients and sediment to outstanding/exceptional waters.
8. That 89 fields are tiled.

- ABCDEF	- AL-1	- AL-2
- AL-3N	- AL-4	- AL-5
- AL-6	- AL-7	- AL-11
- AL-13	- AL-14	- AL-15
- AL-16	- B1	- B2
- B3	- B3	- B4
- B5	- B6	- B7
- B8	- B9	- CASP
- CE 3	- DANES L1	- DANES L2
- DF 67-1	- DF JW1	- DF JW2
- DF JW5	- DF JW6	- DF LEVERENZ- SPRINGER
- DF LYNN RABE	- DF-COLLIN MEGGERS STEINER K	- DF-COLLIN15 MEGERS
- DF-RIESER	- F1	- F2
- JD-1	- JD-2	- JD-80 NORTH
- JD-JAMIES	- JD-LOG	- JD-MOM_DAD
- JS1	- JS2	- JD-SUNDOWN
- KN5	- KN678	- KRUEG
- LD1	- LD2	- LD3
- LD4	- LD6	- LK26
- LK27	- LK28	- LK29
- LK3	- LK4	- MB1
- N2_3_4	- N1	- NH 1_2
- P1	- PF_SCHAD 1	- PF_SCHAD 5
- PIVOT 1	- PIVOT 2	- PIVOT 3
- PIVOT 4N	- PIVOT 4	- PIVOT 5
- PIVOT 6E	- PIVOT 6W	- PIVOT 7 NE SOUTH STRIP
- PIVOT 7 NE	- PIVOT 7 NW	- PIVOT 7 SE
- PIVOT 7 SW	- PIVOT 8	- RB
- RC3	- SB2	- SB3
- TL 1	- TL 2	
9. That all fields will be checked for the following features prior to/during manure or process wastewater applications: soil areas with possible shallow groundwater (i.e., within 24 inches of surface) at the time of manure application; required setbacks associated with wells, navigable waters, conduits to navigable waters, grassed waterways, wetlands, possible soil erosion/flow channels.
10. That surface applications of manure will not be completed when precipitation capable of producing runoff is forecasted within 24 hours of the time of planned application.

CONDITIONAL NUTRIENT MANAGEMENT PLAN APPROVAL

The Department hereby approves the 2024-2028 Robinway Dairy, LLC Nutrient Management Plan subject to the following conditions and the applicable requirements of Ch. NR 243, Wis. Adm. Code:

FIELD AND MANURE MANAGEMENT

- Fields not included in the NMP and new fields shall not receive manure or process wastewater applications until they have been properly soil sampled, entered into Snap Plus, evaluated for their nutrient needs, and approved by the Department.

- The following fields have also been approved to receive industrial, municipal, or septage waste:

Field ID:	Other Permittee Name:	Other Permittee Site ID:	Field ID	DNR #:
DF-TREMPELA	NLC ENERGY DENMARK LLC	DFL33	2	117827
DF-COLLIN MEGGERS STEINER,	NLC ENERGY DENMARK LLC	CM	1	121425
DF LEVERENZ-SPRINGER	NLC ENERGY DENMARK LLC	DF1	1	116600
DF-ENGEL	NLC ENERGY DENMARK LLC	TR	2	121223
DF-COLLIN MEGGERS STEINER,	NLC ENERGY DENMARK LLC	CM	2	26530
DF LEVERENZ-SPRINGER	NLC ENERGY DENMARK LLC	AT36	1	28188
DF LEVERENZ-SPRINGER	NLC ENERGY DENMARK LLC	DF1	2	26469
DF-X	NEW HOLSTEIN WASTEWATER TREATMENT FACILITY	11	A	9894
DF-X	NEW HOLSTEIN WASTEWATER TREATMENT FACILITY	11	B	9895
DF-SCHWOERER	NLC ENERGY DENMARK LLC	ATF4	1	117712
DF-X	NEW HOLSTEIN WASTEWATER TREATMENT FACILITY	11	C	41119
DF-TREMPELA	NLC ENERGY DENMARK LLC	DFL33	1	26559
DF-ENGEL	NLC ENERGY DENMARK LLC	TR	1	121222
DF-LADD	NLC ENERGY DENMARK LLC	TR	3	121224

Prior to any manure applications on these fields Robinway Dairy, LLC shall contact the entities listed above to obtain recent spreading records and make the necessary adjustments to the planned manure application rates. At the end of each year Robinway Dairy, LLC shall contact each entity listed above to obtain spreading records from the previous year so that they can be properly tracked in the NMP. Please Note: Robinway Dairy, LLC is responsible for obtaining nutrient content values for all other wastes spread on any field in their NMP.

- The following fields are prohibited from receiving applications of manure or process wastewater:

- DF 67-1 (default soil test)	- DF Lynn Rabe (default soil test)	- JD-Sundown (default soil test)
- PF Schad 3 (default soil test)	-	-

If Robinway Dairy, LLC wishes to use these fields for applications of manure or process wastewater all necessary information shall be submitted to the Department prior to application to demonstrate compliance with NR 243 and other applicable codes. Written Department approval amending this condition approval must be received prior to application.

- If existing fields yield a soil test results equal to or greater than 200 ppm P, those fields would be prohibited from receiving manure or process wastewater applications, unless you obtain Department approval in accordance with NR 243.14(5)(b)2., Wis. Adm. Code.
- All liquid manure samples collected may be analyzed, at a minimum, for percent dry matter, total nitrogen, percent NH₄-N, percent NO₃-N, phosphorus, potassium, and sulfur.

6. If manure sample results have a dry matter (DM) content less than 2.0% and the percent ammonium (NH_4^+) is greater than 75% of the total N, Robinway Dairy, LLC may use the following equation to adjust the first year available nitrogen when applications are injected or incorporated within 1 hour:

$$\text{First-Year Available N} = \text{NH}_4\text{-N} + [0.25 \times (\text{Total N} - \text{NH}_4\text{-N})]$$

7. Robinway Dairy, LLC shall record daily manure applications by using form 'WPDES Manure Record of Application'. These forms shall be retained at the farm and provided to the department upon request.
8. Robinway Dairy, LLC shall annually submit a spreading report that summarizes the land application activities listed under NR 243.19(3)(c)5., Wis. Adm. Code by using 'CAFO Annual Spreading Reports' as generated by Snap Plus.

WINTER SPREADING

9. Liquid manure applications during winter conditions, as defined by NR 243.14(7), Wis. Adm. Code, are prohibited with the exception of emergency applications.
10. The following field(s) are approved for winter spreading solid manure, emergency applications of liquid manure and frozen liquid manure:
- Pivot 7 NE
 - Pivot 6W
 - Pivot 6E
 - Pivot 5
11. Winter spreading of solid and liquid manure may not occur during the "high risk runoff period" pursuant to s. NR 243.14(6)(c) and NR 243.14(7)(c), respectively.
12. Winter applications of liquid manure shall only occur under emergency situations, after notifying the Department and receiving verbal approval.
13. Liquid applications shall be limited to 3,500 gallons per acre or 30 lbs. P per acre, whichever is less, on slopes 2-6% and 7,000 gallons per acre or 60 lbs. P per acre, whichever is less, on slopes 0-2%. Winter applications of solid manure shall be limited to 60 lbs. P per acre.

HEADLAND STACKING

14. No headland stacking sites are approved.

NR243.143/151.075 SILURIAN BEDROCK PERFORMANCE STANDARDS

15. Manure generated by Robinway Dairy, LLC that is mechanically applied to the following approved fields meet planning requirements under NR243.143/151.075, Silurian bedrock performance standards. The following fields are required to meet all requirements under NR243.143/151.075, Silurian bedrock performance standards immediately following this approval.

- AL-11
- AL-13
- AL-14
- AL-15
- AL-6
- AL-7
- DF-RIESER
- DF-TREMPELA
- DF X
- JD-SUNDOWN
- LK 27
- LK 28

MANURE & PROCESS WASTEWATER IRRIGATION

16. The following fields are approved for manure and process wastewater applications using Reinke Center Pivot (computer controlled) irrigation equipment:

- Pivot 3 - Pivot 4 - Pivot 5 - Pivot 6 - Pivot 7

17. Irrigation application rates shall be limited to 10,000 gallons per acre (may be less in SWQMAs), per application event or 10,000 gallons per acre over a 5 day period if split applications are used.
18. Robinway Dairy, LLC shall allow a rest period minimum of 3 days or more between each application event.
19. Irrigation applications during daytime hours shall not occur if sustained wind speeds of 10 miles per hour or more are documented. Sustained wind shall be defined as the average wind speed over a 15 minute period.
20. Irrigation applications during night time hours are prohibited.
21. Irrigation applications shall not occur when wind gusts exceed 20 miles per hour.
22. Robinway Dairy, LLC shall visually monitor fields receiving manure irrigation applications every 2 hours or more frequently. Visual monitoring results shall be documented using the 'Field Application-Drift Log' form. Copies of these forms shall be submitted to the department annually with the NMP Update and provided to the department upon request.
23. If Robinway Dairy, LLC receives approval from an adjacent dwelling resident to apply within 250 feet, the reduced setback does not become effective until a copy of the agreement is submitted to the department.
24. If additional fields are selected by Robinway Dairy, LLC for irrigation applications, those fields cannot be used for that purpose until department review and written approval is obtained.

SUBMITAL AND RECORDKEEPING REQUIREMENTS

25. A copy of this conditional approval shall be included in all future annual Nutrient Management Plan Updates in addition to the NR 243 and NRCS 590 checklists.
26. Night time irrigation of manure and process wastewater is prohibited in this plan. If Robinway Dairy wishes to seek future approval for manure and process water then please submit an update to the irrigation plan that outlines specifics required including a detailed description of what will be irrigated and a monitoring plan of how nighttime applications will be monitored.

This conditional approval does not limit the Department's regulatory authority to require NMP revisions (based upon new information or manure irrigation research findings) or request additional information in order to confirm or ensure your farm operation remains in compliance with NR 243 and your WPDES permit conditions. If additional information, project changes or other circumstances indicate a possible need to modify this approval, the Department may ask you to provide further information relating to this activity.

Please keep in mind that approval by the Department of Natural Resources – Runoff Management Program does not relieve you of obligations to meet all other applicable federal, state or local permits, zoning and regulatory requirements.

If you have any questions regarding this approval I can be reached at 608-212-8460 or Ashley.Scheel@Wisconsin.gov.

Sincerely,



Ashley Scheel, CCA
WDNR Nutrient Management Plan Reviewer
Wisconsin Department of Natural Resources

cc: Trent Brenny, WDNR Agricultural Runoff Specialist (Trenton.Brenny@Wisconsin.gov)
Joe Baetan, WDNR Watershed Field Supervisor (Joseph.Baetan@Wisconsin.gov)
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