

STATE OF WISCONSIN DIVISION OF HEARINGS AND APPEALS

In the Matter of the Wisconsin Pollutant Discharge
Elimination System Permit No. WI-0059536-03-0
(WPDES Permit) Issued to Kinnard Farms, Inc.,
Town of Lincoln, Kewaunee County

Case No.: IH-12-071

PETITIONERS' REVISED STATEMENT OF THE ISSUES FOR HEARING

As requested at the April 18, 2013, prehearing conference, Petitioners Lynda Cochart, Amy Cochart, Sandra Winnemueller, Roger DeJardin, and Chad Cochart submit this revised statement of issues for Case No. IH-12-071 regarding the Kinnard Farms Wisconsin Pollutant Discharge Elimination System Permit No. WI-0059536-03-0 ("WPDES Permit"). The revised issues are consistent with and do not enlarge the issues for review as stated in the DNR's December 14, 2012, decision to grant the Petitioners' request for a contested case hearing, and the DNR's January 10, 2013, clarification of issue three. This revised statement of the issues refines the issues for review.

Issue One: Whether Section 1.1, 1.7, and 1.8 of the WPDES Permit are unreasonable because the Permit was issued before Department receipt and approval of plans and specifications for the facility.

Issue Two: Whether Section 1.1 of the WPDES Permit is unreasonable because it fails to ensure that all discharges authorized by the Permit comply with surface water quality standards.

Issue Three: Whether Sections 1.1, 1.7, and 1.8 of the WPDES Permit are unreasonable because they do not require that the Department evaluate background groundwater quality, they do not require sampling or monitoring of groundwater, and they do not require that discharges from the production area authorized by the Permit comply with groundwater quality standards.

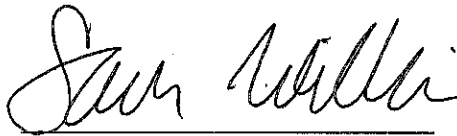
Issue Four: Whether Sections 1.3.1, 1.3.3, 2 and 3.1.12 of the WPDES Permit are unreasonable because they do not include a limit on the current and proposed number of animal units allowed at the facility.

Issue Five: Whether Sections 1.6 and 2 of the WPDES Permit are unreasonable because they do not require that Kinnard Farms maintain adequate manure storage.

Issue Six: Whether Section 1.6 of the WPDES Permit and the Nutrient Management Plan are unreasonable because they include unattainable yield goals.

Dated at Madison, Wisconsin this 3rd day of May, 2013.

MIDWEST ENVIRONMENTAL ADVOCATES INC.
Attorneys for Petitioners

A handwritten signature in black ink, appearing to read "Sarah Williams", written over a horizontal line.

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