



November 14, 2016

Lee Kinnard
Kinnard Farms, Inc.
E2675 County Road S
Casco WI 54205

Subject: Animal Unit Limit and Off-site Monitoring Conditions in Kinnard Farms., Inc. WPDES Permit

Dear Mr. Kinnard:

On July 14, 2016, Judge Markson issued a Decision and Order on Judicial Review in Dane County Circuit Court regarding the Wisconsin Pollutant Discharge Elimination System Permit No. WI-0059536-03-0, issued to Kinnard Farms, Inc. (*See* Dane Cty. Case No. No. 2015-CV-2633.) In its Decision and Order, the circuit court reversed the September 11, 2015 final decision by the Wisconsin Department of Natural Resources (the "Department"). The Department had removed the animal unit limit and the off-site groundwater monitoring conditions from the WPDES Permit, consistent with Wis. Stat. § 227.10(2m). Upon reversal, the circuit court remanded the case to the Department, ordering implementation of the disputed permit conditions.

As you know, the Department and Kinnard Farms have appealed the circuit court's decision, and are seeking reversal of the circuit court's order. However, the order is not currently stayed pending the outcome of the appeal.

Accordingly, please provide to the Department:

1. Animal unit information that reflects your current landspreading acreage availability and manure and process wastewater storage capacity.
2. Information concerning your plans for offsite groundwater monitoring.

Please note that the Department will follow any future court orders regarding the permissibility of the disputed permit conditions.

Sincerely,

/s/
Jane Landretti
Staff Attorney

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