



September 11, 2015

FILE REF: R-2015-0013
WPDES Permit #: WI-0059536-03-0

Lee Kinnard
Kinnard Farms
E2675 County Hwy S
Casco, WI 54205

Subject: Approval of a Groundwater Monitoring Plan Phase 1, for Kinnard Farms Site 2,
Lincoln Township, Kewaunee County

Dear Mr. Kinnard:

The Wisconsin Department of Natural Resources (DNR) approves the above referenced Groundwater Monitoring Plan submitted by Charles Andrews, S.S. Papadopulos & Associates, Inc., dated June 26, 2015, and received by the DNR on the same date. This plan represents the first phase of groundwater monitoring for the production area at Kinnard Farms Site 2. As described in the plan, the number and location of subsequent monitoring wells to be constructed at the production area, and subsequent monitoring parameters, will be based on groundwater data collected in Phase 1.

The monitoring well installation and initial sampling should begin this fall if practical. A Summary of the Groundwater Monitoring Plan is provided below.

A previous version of the Groundwater Monitoring Plan was received by the DNR on January 27, 2015, and the DNR responded to that submittal with a Notice of Incompleteness dated March 19, 2015. One reason the Groundwater Monitoring Plan was deemed incomplete was that it lacked groundwater monitoring of a land application area, and lacked discussion about the practicability to justify the absence of groundwater monitoring of a land application area. These items are similarly lacking in the subsequently submitted Groundwater Monitoring Plan, but the DNR will address this issue in separate correspondence.

The Department's approval of this Groundwater Monitoring Plan is part of the Wisconsin Pollutant Discharge Elimination System Permit No. WI-0059536-03-0 (WPDES) permit as modified according to the October 29, 2014 decision in Case No. IH-12-071, by the Department of Administration, Division of Hearings and Appeals. Consequently, the terms of the Groundwater Monitoring Plan are incorporated into the WPDES permit.

Summary of the Groundwater Monitoring Plan: The Groundwater Monitoring Plan will consist of two phases. The approved Groundwater Monitoring Plan Phase 1 details the initial 12 months of monitoring and summarizes the likely components of the second phase (Phase 2). A separate work plan for the Phase 2 monitoring will be submitted to the Department following 12 months of Phase 1 groundwater monitoring.

During Phase 1, the direction of groundwater flow and the seasonal variability in groundwater flow direction will be determined. During the second phase, a groundwater quality monitoring network will be established to monitor groundwater quality upgradient and downgradient of the production area.

Phase 1 will have five Monitoring Wells (MW-1 to MW-5) constructed around the perimeter of the site, located as shown in Figure 2 of the Groundwater Monitoring Plan and described as follows.

- MW-1 and MW-2 will be located near the waste storage ponds.
- MW-3 will be located southeast of the vegetated treatment area.
- MW-4 will be located northwest of the feed storage pad.
- MW-5 will be located in northwest corner of the production area property.

The Phase 1 monitoring parameters, recordkeeping and reporting include the following.

- Monthly water level monitoring in each of the five Phase 1 monitoring wells.
- Hourly water level and temperature monitoring in wells MW-1 and MW-5, to monitor seasonal and short fluctuations in water levels.
- Monthly preparation of water level contour maps.
- Quarterly reporting to the Department of tabulated monthly water level monitoring and the monthly prepared water level contour maps.

The monthly water level monitoring will continue without break during the time that passes between Phase 1 completion and Phase 2 approval, unless the Department approves a discontinuation. However, the hourly water level and temperature monitoring may be discontinued after the 12 months of Phase 1 monitoring is completed.

The Phase 2 Groundwater Monitoring Plan will contain all of the following.

- A detailed site characterization based on data collected during Phase 1.
- A summary of groundwater flow directions and seasonal variability.
- Recommendations for the number and locations of additional groundwater monitoring wells.
- A list of proposed sampling parameters and frequency.

Conditions of Approval: The Groundwater Monitoring Plan (DNR project number R-2015-0031) is hereby approved in accordance with s. 281.41 and ch. 283, Wis. Stats., subject to applicable portions of chs. NR 140 and 243, Wis. Adm. Code, and the following conditions:

1. Within 60 days of well installation, post-construction documentation specified in Condition 2 shall be submitted to the DNR for review. Submit the post-construction documentation to the address specified in the WPDES Permit for submittal of plans and specifications, and provide a copy to Laura Chern.
2. Post-construction documentation of well installation shall include:
 - a. An as-built site map in accordance with s. NR 141.065, Wis. Adm. Code
 - b. For each groundwater monitoring well constructed, complete one each of the following DNR forms:
 - i. DNR Form 4400-113A (Rev. 7-98) "Monitoring Well Construction".
 - ii. DNR Form 4400-113B (Rev. 7-98) "Monitoring Well Development".
 - iii. DNR Form 4400-122 (Rev. 7-98) "Soil Boring Log Information".
 - iv. DNR Form 4400-67 (Rev. 9-95) "Groundwater Monitoring Inventory"
 - v. DNR Form 4400-89 (Rev.7-89) "Groundwater Monitoring Well Information."

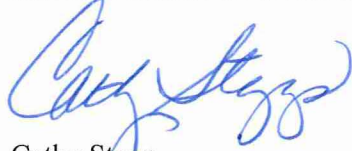
Limitation of Approval: The DNR reserves the right to order changes or additions should conditions arise making this necessary. This approval is not to be construed as a DNR determination on issuance of a Wisconsin Pollutant Discharge Elimination System Permit or opinion on the ability of the proposed system to comply with effluent limitations in a permit, approval of an Environmental Assessment that may be prepared, or approval for activities requiring a permit under ch. 30 or 31, Wis. Stats. Where necessary, plans and specifications should be submitted to the Department of Safety and Professional Services (previously the Department of Commerce) or other state or local agencies to ensure conformance with applicable codes or regulations of such agencies.

Tax Treatment: Tangible personal property, that becomes part of a waste treatment of pollution abatement plant or equipment, may be exempt from sales tax under s. 77.45(26), Wis. Stats. Similarly, property purchased or constructed as a waste treatment facility and used for industrial waste treatment may be exempt from general property taxes under s. 70.11(21), Wis. Stats. A prerequisite to exemption is filing a statement on prescribed forms. To obtain the forms, and information about this sales tax exemption, please contact the Department of Revenue, P.O. Box 8933, Madison, WI 53708, or check their website <http://www.revenue.wi.gov/>.

Appeal Notice: This is the final agency action in this matter. If you believe you have a right to challenge this final agency action, then 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 sections 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file a petition with the appropriate circuit court and serve the petition on the Department. Such petition for judicial review shall name the Department of Natural Resources as the respondent.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES



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