

BEFORE THE  
STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

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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

DHA Case No. 1H-12-071

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FINDINGS OF FACT

1. On October 29, 2014, the State of Wisconsin, Division of Hearings and Appeals (DHA) issued a decision in the above-captioned matter which had been conducted as a contested case proceeding.
2. On November 18, 2014, Kinnard Farms, Inc., filed a Petition for Review by the Secretary (“the petition”) of the decision in the above-captioned matter pursuant to Wis. Admin. Code § NR 2.20, by personally delivering the petition to the Office of the Secretary.

CONCLUSIONS OF LAW

1. The petition was filed within the time required by Wis. Admin. Code § NR 2.20(1) and served upon the Wisconsin Department of Natural Resources (DNR) in compliance with Wis. Admin. Code § NR 2.03.
2. Wis. Admin. Code § NR 2.20 provides the Secretary of the DNR the discretionary authority to review contested case decisions.
3. The issues raised in the petition primarily concern the sufficiency of DNR’s legal authority to impose certain disputed conditions in Kinnard Farm’s Wisconsin Pollutant Discharge Elimination System (WPDES) wastewater discharge permit. Those and all other issues identified in the petition are amenable to judicial review in circuit court pursuant to Wis. Stat. § 227.52, et seq.

ORDER

Because I believe that the issues raised in the petition would most appropriately be decided by the courts of this state in proceedings for judicial review, I respectfully decline to grant Secretarial review of the October 29, 2014, 2014 decision in the above-captioned matter.

  
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Cathy Stepp  
Secretary

Dated and mailed: 11/25/14

In accordance with §§ 227.42 and 227.53(1)(c), Wis. Stats, the parties to this proceeding are certified as follows:

Kinnard Farms, Inc., by

Attorney Michael P. Srenock  
Michael Best & Friedrich LLP  
One South Pinckney Street, Suite 700  
Post Office Box 1806  
Madison, WI 53701-1806

Lynda Cochart, Amy Cochart, Roger D. DeJardin, Sandra Winnemuller and Chad Cochart, by

Attorney Sarah Williams  
Midwest Environmental Advocates  
612 West Main Street, Suite 302  
Madison WI 53703

Wisconsin Department of Natural Resources, by

Attorney Jane Landretti  
Wisconsin Department of Natural Resources  
Post Office Box 7921  
Madison WI 53707-7921

#### NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that 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 your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

This notice is provided pursuant to section 227.48(2), Wis. Stats.