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VIA ELECTRONIC MAIL

September 26, 2017

Chris Korleski  
Director, Water Division  
US EPA Region 5  
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Chicago, IL 60604  
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Mr. Korleski:

I am writing to request that the EPA review and object to the Draft Wisconsin Pollutant Discharge Elimination System (WPDES) permit for Pinnacle Dairy, LLC (Draft Permit) pursuant to 40 CFR § 123.44.

First, the Wisconsin Department of Natural Resources' (WDNR) approval of the Draft Permit disregards recommendations from the Natural Resources Conservation Service (NRCS) as to groundwater monitoring necessary to ensure that waste storage facilities comply with NRCS Standard 313. Specifically, WDNR is imposing less stringent requirements to demonstrate that the proposed site for waste storage structures are over "perched water." At least based upon documentation that is available to the general public, divergent requirements are not based upon the WDNR and NRCS referring to different versions of NRCS Standard, but are based upon WDNR's deference to Pinnacle Dairy's consultant(s) rather than to NRCS staff.

WDNR required the following proof of separation from saturation, which Pinnacle was able to satisfy:

Prior to placement of any Waste Storage Facility (WSF) liner, the temporary dewatering and pumping shall be stopped, and the proposed permanent gravity drain tile shall be installed and demonstrated to maintain the minimum separation from saturation for the WSFs. This shall be demonstrated over a period of at least 3 days, during which there shall be little or no flow at the permanent gravity outlet. The DNR CAFO Regional Staff shall be notified at the beginning and the end of these 3 days, to provide opportunity for inspection verification.

NRCS recommended the following three (3) **additions** to WDNR's requirements. These recommendations were not incorporated into the Draft Permit. Pinnacle has not yet

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been able to comport with all conditions as required by a local manure storage permit.

1. The temporary dewatering trench shall be left open for 5 days following stoppage of dewatering pumping and prior to installation of the perimeter tile. Separation from saturation is demonstrated if no inflow enters the trench or a water surface develops that is at an elevation higher than 2 feet below the planned WSF bottom.
2. Following perimeter tile installation, the water surface in the existing shallow monitoring wells shall be recorded daily for a minimum of 5 days. Separation from saturation is demonstrated if no water level is at an elevation higher than 2 feet below the planned WSF bottom.
3. A shallow boring/test pit shall be made midway between monitoring wells along the long dimension of each WSF. Separation from saturation is demonstrated if no inflow enters the boring or a water surface develops that is at an elevation higher than 2 feet below the planned WSF bottom within 24 hours.

For this reason, and because Pinnacle is proposing to locate on karst landscape, it seems likely that the WDNR is not issuing a WPDES permit that ensures that production area discharges to waters of the United States comply with water quality standards. Please see Midwest Environmental Advocates' (MEA) attached comment letter at pages 2-4.

Second, any production area discharges could impact various impaired waters nearby Pinnacle's proposed location. The WDNR's Surface Water Data Viewer shows that Decatur Lake and other streams and tributaries near the proposed production area and landspreading fields are impaired for phosphorus or sediment. Because Pinnacle is a new permittee, if the production area is going to cause any discharge the WDNR must complete an antidegradation analysis. This analysis is lacking from the Draft Permit, as are numerous sampling requirements that could better ensure that Pinnacle's production area does not cause unregulated discharges that could further impair jurisdictional waters. Please see MEA's attached comment letter at pages 4-6.

For the above reasons we request that the EPA review and object to the Draft Permit.

Sincere thanks,

/s/

Tressie Kamp  
Staff Attorney

Cc: Mark Cain, DNR  
Julianne Socha and Cheryl Burdett, US EPA