

Wisconsin's Cost-Share Program for Farm Pollution: The Milking of the Public



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MEA is an environmental law center that provides legal and technical assistance to communities working for environmental justice. MEA's mission is to provide high quality legal services that support a multicultural, grassroots social movement; build local leadership; and develop innovative solutions to environmental problems.

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Executive Summary

The face of Wisconsin agriculture is changing; small, traditional farms are disappearing. Wisconsin has lost about two farms each day since 1988. Meanwhile, the size of existing farming operations is increasing. This shift to large agribusiness operations has been aided by state programs, like the Regulatory Cost-Share Program administered by the Department of Agriculture, Trade and Consumer Protection (DATCP).

Under this program, the Department of Natural Resources (DNR) issues a Notice of Discharge to farming operations that add so called “non point” pollutants to the water supply. Then, the DATCP offers money to aid in the implementation of systems that will remedy the discharge problem, with the ultimate goal of preventing further pollution of the water supply. In theory, such a program helps all farming operations implement fast, efficient solutions to environmental hazards.

In reality, the DATCP’s Cost-Share Program directs a disproportionately large amount of its resources to large-scale livestock factories. And, as the six case studies in this report illustrate, that does not mean that large feedlots always respond to environmental problems swiftly and thoroughly.

Still, the DATCP continues to provide vast resources to livestock factories, many of which have the resources to remedy pollution problems on their own. Meanwhile, Wisconsin’s small farms, many of which do not possess the resources needed to comply with DNR regulations, cannot get the resources needed to run safe and sustainable farming operations. The outcome of this is simple: livestock factories continue to thrive with the aid of state subsidies, while the family farmer, the bedrock of Wisconsin’s rural values, struggles to remain a viable player in the agricultural market.

This program is in need of reform. It should be redesigned to ensure tangible environmental benefits and to prevent large-scale agribusiness operations from receiving subsidies.

The Cost-Share grants should not go to facilities with the means to correct the environmental problems they caused. Nor should these grants be used to promote farm expansion. There are several ways to accomplish this. The program could place a cap on the amount of money available for a single facility. Or it could use a system of regressive rates, so that as a facility grows in size and revenues, it receives a smaller state subsidy. In addition, the DNR should utilize a broader array of tools to achieve compliance. The DNR should require permits and payment of penalties by facilities that do not meet compliance deadlines. Such reforms would help level the playing field between livestock factories and small family farms, while maintaining the integrity of Wisconsin’s land and waters.

Does the State of Wisconsin Subsidize Livestock Factories at the Expense of Smaller Family Farms?

Farming in Wisconsin is undergoing a transition. The overall number of farms is decreasing, while, in many cases, the size of individual operations is growing. In large part, this change is occurring as smaller, traditional farms cease operations following years of unsustainable and unprofitable commodity prices and increasing costs. The transition to large agribusiness operations is also facilitated by state programs that tilt the competitive balance towards industrial agriculture via direct and indirect subsidies. The Department of Agriculture, Trade and Consumer Protection (DATCP) administers one such program, the Cost-Share Program.

According to data from the DATCP, Wisconsin has lost approximately two farms per day since 1988. While the Cost-Share Program is certainly not the only force causing this to happen, it is facilitating the demise of the small family farm by subsidizing livestock factory¹ competitors. Thus, the system of providing grants to farms, as well as the policies behind it, needs to be reevaluated.

Carrot v. Stick Approach

Regulatory programs use carrots and sticks to achieve compliance. They offer positive incentives, such as cost-share assistance, or they offer permits, litigation, and penalties to deter future pollution. In approaching farm-created pollution, Wisconsin has almost exclusively offered positive incentives to encourage farmers to change environmentally-damaging management practices. The Cost-Share Program is an example of this.

The DATCP administers the Regulatory Cost-Share Program, which provides grants to farmers to correct environmental problems and reimburses county land conservation departments for technical assistance provided for these farm projects. The process of applying for and receiving a Cost-Share grant begins when a citizen files a complaint against a livestock operator for alleged animal waste discharge to a lake, river or stream.² After the Department of Natural Resources (DNR) investigates, it issues a Notice of Discharge (NOD) if it has detected a “significant discharge of animal waste” to surface or groundwater. Once the DNR issues the NOD, and as long as the farm has less than 1,000 Animal Units (“AUs”)³, the DNR refers the farmer to the DATCP to apply for a Cost-Share grant to resolve the pollution problem.⁴

If a farm has more than 1,000 AUs, it must instead apply to the DNR for a Wisconsin Pollutant Discharge Elimination System (“WPDES”) permit and is not allowed to receive funding from the DATCP to fix discharge problems. The 1,000 AU cutoff is significant because facilities under that limit can receive funding to stop polluting public resources, while facilities over that limit could be fined up to \$25,000 per day for polluting. The DNR also has the authority to require permits and /or seek payments of penalties from farms with between 300 and 1000 AUs.

Through this Cost-Share Program, the DATCP favors livestock factories by granting a disproportionately large amount of cost-share dollars to the largest farms. Instead of spending funds to help small farms reduce their environmental impact, the DATCP grants money that facilitates the expansion of larger operations. Intentionally or not, this program subsidizes the larger facilities so that they can expand into mega-livestock factories.

This report provides a breakdown and analysis of the DATCP Regulatory Cost-Share Program using agency data from 1984 to 1999. In addition, we have selected six examples of DATCP grants that illustrate the misallocation of this limited pool of funding.

Grant Disbursement

To evaluate the contribution of state governmental programs to livestock facilities, we examined cost-share data from the DATCP. These cost-share grants function as subsidies. As is the case with any subsidy, the distribution of cost-share dollars may have a major impact on the viability of agricultural operations. We examined cost-share data from the DATCP’s database in order to evaluate the distribution of funds to the various sizes of operations receiving grants.

Findings

The DATCP database is incomplete. Of the 566 total entries, only 177 had information on both cost-share amounts and number of animal units in operation. Our analysis focused only on the 177 operations that received grants and reported the number of animal units.

DATCP cost-shares were unevenly spread across the three size categories. (Table 1)

- Large operations (300 - 1000 AUs) comprised 13% of the total number assessed and received 33.8% of total cost-share dollars. Average cost-share per operation: \$56,060.
- Medium-sized operations (150 - 299 AUs) comprised 21.5% of the total number assessed and received 21.2% of total cost-share dollars. Average cost-share per operation: \$20,756.
- Small operations (<150 AUs) comprised 65.5% of the total number assessed and received 45% of total cost-share dollars. Average cost-share per operation: \$14,443.

Animal Units (AUs)	Average AU per Operation	No. of Operations	Percentage of Total	Cost-Share Amount (\$)	Percentage of Cost-Share	Average Cost-Share \$/Operation
1-149	77	116	65.5	1,718,669	45	14,443
150-299	194	38	21.5	809,490	21.2	20,756
300-1000+	543	23	13	1,289,381	33.8	56,060

Table 1. Summary of cost-share disbursements to Wisconsin agricultural operations from 1985 to 2000. Total number of disbursements evaluated: 177. Total number of records in DATCP database: 566.

Case Studies

The following six case studies illustrate this misallocation of DATCP funds intended to protect the environment from farm pollutants. Although smaller farms have fewer resources to correct environmental problems, the DATCP continually grants larger amounts of money to large livestock factories. Further, the case studies show that cost-share assistance does not always result in better environmental conditions. Some projects are not completed within a reasonable timeframe, some not completed at all, and others, while completed, do not correct the problem that the DATCP initially granted the money to fix. This section will describe these different scenarios as they emerged on the Schaefer, Greenberg, Van Der Geest, Thurin, Vanden Elzen, and Kinning Farms.

1. Schaefer Farm

Schaefer Farm is now a hog operation in Grant County, in southwestern Wisconsin. Located on the Young Branch of the Little Platte River basin, the operation has a history of discharging pollutants to this state-designated Exceptional Resource Water.⁵ An exceptional resource water is a surface water “that provide[s] valuable fisheries, hydrologically or geologically unique features, outstanding recreational opportunities, unique environmental settings, and which [is] not significantly impacted by human activities.”⁶ Once classified as an exceptional resource water, the water body cannot be degraded beyond its current quality, with a few exceptions.⁷

The DATCP listed Schaefer Farm with 999 AUs when the DNR issued it a Notice of Discharge.⁸ Although this facility had almost 1,000 AUs, it had no manure storage structures, so manure was running off the feedlot into the Young Branch of the Little Platte River.⁹ The DNR initially issued the NOD to Schaefer Farm on April 28, 1989, but later granted an extension on June 28, 1994.¹⁰

Schaefer Farm applied to the DATCP for grants and initiated plans to build a storage facility.¹¹ The DATCP granted Schaefer Farm an estimated \$205,989 to complete the project.¹² However, Schaefer Farm later made a successful argument to the DATCP that it be able to use the grant money instead to dismantle its entire farm, sell its cows and turn its property into a hog farm.¹³ Schaefer Farm proposed to the DATCP that it be granted the same amount of money to build a new confinement facility in addition to a manure storage facility.¹⁴ The DATCP agreed and the total cost of the project was \$302,421.¹⁵

The DATCP placed several conditions in an easement agreement between the agency and Schaefer Farm including the requirement that all animals be contained within the confinement facility and that Schaefer Farm not expand beyond 999 AUs.¹⁶ Despite the agreement, the DATCP allowed Schaefer Farm to expand three to four years later, as long as it agreed to follow all regulations.¹⁷

Although the DNR now lists Schaefer Farm with 1140 AUs, the farm continues to operate without a permit.¹⁸ The DNR sent Schaefer Farm a permit application, but the facility responded to the request by stating that it does not have 1000 AUs and therefore should not be required to have a permit.¹⁹ Because of the existence of the 45-day rule²⁰, it is difficult for the DNR to count accurately the number of animals on a given farm.²¹ Turnover of animals is so common that a farm could easily fluctuate above and below the 1,000 AU limit during a 45 day period, yet still maintain a large livestock factory.²²

In summary, the state gave this livestock factory an enormous amount of money under the guise of reducing water pollution, and allowed a portion of the money to be used to build a new confinement facility. The rest of the money was used to fix environmental problems that the facility could have been penalized for maintaining, and the facility flouted both its agreement with the DATCP and the DNR's permitting authority by expanding the operations.

2. Greenberg Farms

Greenberg Farms is located in Marathon County, in central Wisconsin. The DATCP listed Greenberg Farms with 1000 AUs at the time the DNR issued the NOD in 1993.²³ Despite a generous offer of state aid, it took seven years to correct the problems at this facility. The DNR issued the NOD on October 28, 1993 because manure was running off the feedlot into Noisy Creek/Little Eau Claire River.²⁴ Greenberg Farms signed a cost-share agreement with the DATCP, in which the DATCP agreed to provide an estimated \$60,448 in grant money toward the proposed project.²⁵ The Greenberg Farms project included the establishment of a nutrient management plan and installation of barnyard and roof runoff controls.²⁶

In 1997, the county stopped working with Greenberg Farms because of its failure to fix the runoff problems. Two years later, on September 27, 1999, Greenberg Farms received a letter stating that its NOD had expired and that it had failed to comply with the agreement.²⁷ The Marathon County Land Conservation Department threatened to discontinue work with Greenberg Farms and recommended to the DNR that it move to the next level of enforcement if it could not bring Greenberg Farms into compliance.²⁸ The issuance of this letter persuaded Greenberg Farms to cooperate; it requested that the DATCP amend the agreement, and the agency did.²⁹ The new cost-share agreement, finalized on April 27, 2000, provided an additional \$9,000, raising the total subsidy to Greenberg Farms to \$69,361.³⁰

When data for this report was compiled in August of 2000, Greenberg Farms had not yet completed the project, but had already received a substantial amount of its grant: \$54,618.³¹ The DATCP was refusing to pay the remaining balance until the facility completed the project.³² Unexpectedly, when the Marathon County Conservation Department visited the site in September of 2000, they found that Greenberg Farms had completed the project by hooking up the pumps for the manure management system.³³

Greenberg Farms had been operating without a permit since 1993 despite documents showing that the facility has between 300 - 1000 AUs and has had significant discharges into navigable waters. Rather than penalizing this illegal operation, the DATCP granted the facility a \$54,618 subsidy and allowed Greenberg Farms to take seven years to correct the problem.

Furthermore, going through this NOD process and getting government financial and technical support has not helped Greenberg Farms incorporate conservation practices into its business. Greenberg Farms owns another site approximately two miles from the site described above, where it keeps 200 heifers on a five-acre bare lot with an approximately 10% slope towards the Eau Pleine River.³⁴ According to a Land Conservation Department employee, in the spring of 2000 there was a "significant discharge" when manure ran off the site and accumulated in the ditch.³⁵ The DNR did not fine Greenberg Farms or issue it another NOD.³⁶

3. Van Der Geest Farm

Van Der Geest Farm is also located in Marathon County, in central Wisconsin. The DATCP listed Van Der Geest Farm with 950 AUs when the DNR issued its NOD on September 7, 1994.³⁷ At that time, manure was running off the feedlot into a tributary of the Ribb River.³⁸ The DATCP gave Van Der Geest Farm an estimated grant of \$110,048 to build a manure storage facility.³⁹ The total cost of the project was \$184,026.⁴⁰ Five years and a few thousand cows later, on July 19, 1999, the DNR sent Van Der Geest Farm a letter confirming that the DNR was satisfied with its compliance with the NOD.⁴¹

Although that particular problem may have been corrected, new ones developed at this site. On March 30, 2000, the DNR and the Marathon County Land Conservation Department sampled effluent from a tile line into an unnamed tributary of Silver Creek. This location is immediately north and down gradient from Van Der Geest Farm.⁴² They also sampled 40 yards up and down stream from the tile outfall, as well as 600 yards upstream from a small neighboring barnyard. There was evidence indicating that the pollution was

coming from Van Der Geest's silage pile.⁴³ Van Der Geest Farm pointed to its neighbor, a smaller farm with 50 dairy cows, as the pollution source. However, the DNR's water sampling showed that the smaller farm was not the source of contamination.

Around the same time, the DNR was planning to give Van Der Geest Farm a WPDES permit to operate. Dean Kaatz, the County Conservationist for Marathon County, submitted public comments on the proposed WPDES permit for Van Der Geest Farm. In these comments he urged the DNR to address the pollution that was seeping into groundwater, flowing along the drainage tiles, and discharging into an unnamed tributary of Silver Creek.

Van Der Geest Farm is now the largest in the state; it is building a new facility for 3500 cows and received a WPDES permit in June of 2000.⁴⁴

After the DNR gave Van Der Geest Farm a WPDES permit, on August 10, 2000, the DNR sent a Notice of Noncompliance to the facility, stating that its property is a "likely major contributor" to pollution in Silver Creek. The letter gave Van Der Geest Farm until September 15, 2000, to inform the DNR of its plan to eliminate leachate and storm water runoff discharge to groundwater from a house-sized bunker of corn silage. The WPDES permit prohibits runoff from the bunker silo. The DNR did not issue a fine. Mr. Van Der Geest stated in a news interview that he was installing a \$4,000 trench to direct leachate into a manure pit.

Although it appears that the facility has fixed that particular problem, the DNR is dealing with yet another violation, one that underscores both the problems with the Cost-Share Program and the permit system for livestock factories. In July of 2000, shortly after the facility received its WPDES permit, the DNR visited the site and found unacceptable outdoor feedlot conditions. The DNR informed Van Der Geest Farm that it needed to remove the cows from the site to correct the problem. Van Der Geest Farms did just that. However, it moved the cows to a new site that allowed unrestrained access to another tributary of Silver Creek. The WPDES permit prohibits this, but the DNR is not sure whether this new site is covered under the permit. If the new site is not covered under the permit, the DNR should issue Van Der Geest Farms an NOD, but that would make the largest dairy farm in the state eligible for additional cost-share money. To date, Van Der Geest's cows are still in the creek and no action has been taken by the DNR.

In summary, Van Der Geest Farm took five years and over \$100,000 to correct one problem, expanded to become the largest dairy facility in the state, and continues to have additional pollution problems.

4. Thurin Farm

Thurin Farm is located in Vernon County, in southwestern Wisconsin. Mr. Thurin had a dairy farm until his barn burned down in the early 1990s.⁴⁵ He then decided to buy steer.⁴⁶ Thurin Farm had 800 AUs when the DNR issued it an NOD on July 6, 1992.⁴⁷ The DNR issued the NOD because manure was running off the feedlot to the Bad Axe Creek South Fork.⁴⁸ The 800 animals produced approximately 6,480 tons of manure per year, but Thurin Farm had no storage area for the manure.⁴⁹ The DATCP gave the facility a grant to build a manure runoff and storage structure.⁵⁰ Thurin Farm placed the animals on concrete and manure ran to a storage pond.⁵¹ The total estimated cost for the project was \$317,336 and Thurin Farm's estimated cost-share grant was for \$188,230.⁵² Thurin Farm appealed the amount of the grant eight times between November 13, 1993 and December 17, 1993.⁵³ Ultimately a panel of DATCP personnel convened to determine whether or not the facility should receive more grant money.⁵⁴ The panel agreed to change only one provision of the cost-share agreement, and gave Thurin Farm an additional \$3,927.⁵⁵ Thurin Farm completed the project, but went bankrupt shortly thereafter.⁵⁶

5. Vanden Elzen Farm

Vanden Elzen Farm is located in Brown County, in northeastern Wisconsin. The farm discharges pollutants into Dutchman's Creek, which is classified as a 303(d) waterbody. When the permit limitations for discharging into a waterbody do not sufficiently protect the water quality, the state will deem the water a 303(d) waterbody. A 303(d) designation means that the state is supposed to increase permit restrictions in order to protect the impaired resource.⁵⁷ The state classified Dutchman's Creek as a 303(d) waterbody due to impairment by non-point source pollutant discharges to the creek.⁵⁸

The DATCP listed Vanden Elzen Farm with 700 AUs when the DNR issued its NOD on December 8, 1993.⁵⁹ The DNR issued the NOD because manure was running off the feedlot into Dutchman's Creek.⁶⁰ After testing the water downstream of Vanden Elzen Farm, the DNR found that four times the allowable amount of fecal colonies were present.⁶¹ The allowable amount of fecal coliform is 200 colonies/100mL, and the area downstream of the farm contained 850 colonies/100mL.⁶²

On August 21, 1995, the DATCP and Vanden Elzen Farm signed a cost-share agreement.⁶³ The agreement gave Vanden Elzen Farm an estimated \$68,850, to pay for the installation of permanent runoff controls and development of a nutrient management plan.⁶⁴ The total cost of the project was \$101,700.⁶⁵

However, the DNR granted Vanden Elzen Farm three extensions of its NOD, allowing the facility much more time before construction needed to be completed.⁶⁶ On February 20, 1996, the DNR gave an extension from November 15, 1995 until December 15, 1996.⁶⁷ The day after the first extension expired, on December 16, 1996, the DNR gave Vanden Elzen Farm another extension from December 15, 1996 until December 15, 1997.⁶⁸ Three months after the second extended NOD expired, on March 10, 1998, the DNR again granted an extension from December 15, 1997 until October 15, 1998.⁶⁹ The NOD finally expired on October 15, 1998.⁷⁰ After six years, Vanden Elzen Farm still had an exercise area for its cows that went down to the stream, and it had not completed the barnyard and runoff system.

There had been no regulatory activity on this site for several years prior to the data requests made for this report. Yet, after the data requests were made, in September of 2000, the county land conservation department and the DATCP revisited the situation with Vanden Elzen Farm and negotiated a new cost-share agreement using year 2000 costs for upgrading the facility. The county contact asserted that Vanden Elzen Farm would have until the end of 2000 to establish a barnyard and manure storage facility on the south side of Dutchman's Creek.⁷¹

It remains to be seen whether this facility will correct its manure runoff problems. Vanden Elzen Farm has operated for five years without a permit and/or a fine despite its known pollution problems.

6. Kinning Farm

Kinning Farm is located in Jackson County, in western Wisconsin. The DATCP listed Kinning Farm with 500 AUs when the DNR issued its NOD on May 8, 1990.⁷² At that time, manure was running off the feedlot into Timber Coulee Creek.⁷³ Discharge from Kinning Farm also impacts Pigeon Creek, a 303(d) waterbody.⁷⁴ The DNR attributed the discharge to bad management practices and to the physical configuration of the property.⁷⁵

On December 20, 1990, the DNR granted Kinning Farm an extension of its NOD.⁷⁶ The expected completion date for the project was October 1, 1991.⁷⁷ The DATCP and Kinning Farm signed a cost-share agreement that granted Kinning Farm an estimated \$42,943 to develop and build a waste management system.⁷⁸ Ultimately, the DATCP certified to Kinning Farm that it would provide \$44,357 of a project that was estimated to cost \$63,367.⁷⁹

Despite progress on the construction, in November 1991 the DATCP began to notice several problems still existing at Kinning Farm.⁸⁰ From April 1992 until September 1993, discussions continued about what to do with the feedlot runoff deficiencies existing at the farm.⁸¹ On October 4, 1993, the Jackson County Land Conservation Department, DNR, DATCP and USDA Soil Conservation Services issued a Revised Operation and Maintenance Plan for Barnyard Runoff Controls.⁸² The DATCP also granted additional money, bringing Kinning Farm's total to \$52,799, in the hopes of repairing these problems.⁸³

Kinning Farm ultimately did complete the project, but a DATCP employee asserts that the construction is not adequate to prevent substantial discharge from the feedlot.⁸⁴ Although the construction improved the environmental problems on the farm, it did not correct some serious discharge problems.⁸⁵ Kinning Farm continues to operate without a permit despite its known discharge problems.



Conclusion

Cost sharing for conservation has the potential to greatly enhance the state's environment and can provide much-needed assistance for operations attempting to survive in a changing agricultural economy. Unfortunately, the provision of cost-share grants to large livestock facilities is subsidizing the expansion of these facilities at the expense of small operations and is doing so with dubious environmental benefits. These livestock factories dominate the small family operations that are integral to Wisconsin's rural way of life. Providing subsidies to livestock factories gives these operations yet another unfair competitive advantage over struggling family farms. As the disbursement-of-funds summary (Table 1) and case studies show, the DATCP is granting a disproportionate amount of limited funds to large farming operations, fueling the growth of livestock factories in Wisconsin. Furthermore, the case studies illustrate that these large grants do not necessarily result in beneficial environmental conditions on the farms. Therefore, this practice of subsidizing livestock factories, as well as the policy goals behind it, needs to be restructured to provide money to smaller family farms, ensure swift implementation on the farms, and deliver tangible improvements in water quality.

Endnotes

¹ These facilities are called livestock factories rather than farms because they operate 24 hours a day, seven days a week, like a factory.

² See Wis. Admin. Code §Ch. NR 243.

³ One thousand AUs is equal to the amount of livestock or poultry needed to generate as much manure as 1,000 beef cattle.

⁴ 1999 DATCP Ann. Rep. At 66.

⁵ See Jim Schaefer NOD DATCP Case Chronology.

⁶ Wis. Admin. Code §Ch. NR 102.11(1).

⁷ See *id.*

⁸ See DATCP Cost-Share Database.

⁹ See Conversations between MEA and DATCP, 6/20/00, 7/27/00.

¹⁰ See Jim Schaefer NOD DATCP Case Chronology.

¹¹ *Id.*

¹² See Cost-Share Agreement at 1.

¹³ See Conversations between MEA and DATCP, 6/20/00, 7/27/00.

¹⁴ *Id.*

¹⁵ See Cost-Share Agreement at 2.

¹⁶ See Easement Agreement.

¹⁷ See Conversations between MEA and DATCP, 6/20/00, 7/27/00.

¹⁸ See DNR Permitted Farms Database; see also Conversation between MEA and DNR, 7/6/00.

¹⁹ See Conversation between MEA and DNR, 7/6/00.

²⁰ NR 243.03 defines an Animal Feeding Operation as "a feedlot or facility, other than a pasture, where animals have been, are or will be fed, maintained or stabled for a total of 45 consecutive days or more in any 12-month period". See Wis. Admin. Code § Ch. NR 243.03.

²¹ See Conversation between MEA and DNR, 7/6/00.

- ²² Id.
- ²³ See DATCP Cost-Share Database.
- ²⁴ See October 28, 1993 NOD issued to Greenberg at 1.
- ²⁵ See Cost-Share Agreement
- ²⁶ See id.
- ²⁷ See September 27, 1999 Expired Notice of Discharge letter.
- ²⁸ See id.
- ²⁹ See Conversations between MEA and DATCP, 6/20/00 and 7/27/00.
- ³⁰ Id.
- ³¹ Id.
- ³² Id.
- ³³ See Conversations between MEA and Marathon County Land Conservation Department, 9/19/2000.
- ³⁴ See Conversations between MEA and Marathon County Land Conservation Department, 8/31/2000.
- ³⁵ See Conversations between MEA and Marathon County Land Conservation Department, 8/31/2000.
- ³⁶ See Conversations between MEA and DNR, 9/6/2000.
- ³⁷ See DATCP Cost-Share Database.
- ³⁸ See Conversations between MEA and DATCP, 6/20/00 and 7/27/00.
- ³⁹ See Cost-Share Agreement.
- ⁴⁰ See id.
- ⁴¹ See July 19, 1999 Satisfaction of Notice of Discharge letter.
- ⁴² See Public Comments of Dean Kaatz, Marathon County Land Conservation Department, spring 2000.
- ⁴³ See Conversation between MEA, and Marathon County Land Conservation Department, August 24, 2000.
- ⁴⁴ See DNR permitted farms database; see also Conversations between MEA and Marathon County Land Conservation Department, 7/13/00, 8/9/00
- ⁴⁵ See Conversations between MEA and DATCP, 6/20/00, 7/27/00.
- ⁴⁶ Id.
- ⁴⁷ See DATCP Cost-Share Database.
- ⁴⁸ See July 6, 1992 Notice of Discharge letter.
- ⁴⁹ Calculation based on Table 10-14, 1999 North Carolina Agricultural Chemicals Manual.
- ⁵⁰ See Cost-Share Agreement.
- ⁵¹ See Conversations between MEA and DATCP, 6/20/00, 7/27/00.
- ⁵² See Cost-Share Agreement.
- ⁵³ See Report on the David Thurin Animal Waste Management Project.
- ⁵⁴ See id.
- ⁵⁵ See id.
- ⁵⁶ See Conversations between MEA and DATCP, 6/20/00, 7/27/00.
- ⁵⁷ See 33 USC §1313(d).
- ⁵⁸ See WDNR List of 303(d) waterbodies.
- ⁵⁹ See DATCP Cost-Share Database.
- ⁶⁰ See December 8, 1993 NOD.
- ⁶¹ See id.
- ⁶² See id.
- ⁶³ See Cost-Share Agreement, DATCP.
- ⁶⁴ See id.
- ⁶⁵ See id.
- ⁶⁶ See February 20, 1996 NOD Extension letter, December 16, 1996 NOD Extension letter, March 10, 1998 NOD Extension letter.
- ⁶⁷ See February 20, 1996 NOD Extension letter.
- ⁶⁸ See December 16, 1996 NOD Extension letter.
- ⁶⁹ See March 10, 1998 NOD Extension letter.
- ⁷⁰ See Conversation between MEA and Brown County Land Conservation Department, 8/7/00; see also Conversation between MEA and DNR, 8/7/00.
- ⁷¹ See Conversation between MEA and Brown County Land Conservation Department, 9/5/2000.
- ⁷² See DATCP Cost-Share Database.
- ⁷³ See May 8, 1990 NOD.
- ⁷⁴ See April 23, 1990 Ag 165 Eligibility Determination.
- ⁷⁵ See July 18, 1990 Amended NOD.
- ⁷⁶ See December 20, 1990, NOD Extension letter.
- ⁷⁷ See id.
- ⁷⁸ See Cost-Share Agreement.
- ⁷⁹ See September 10, 1991 Cost-Share Agreement Certification.
- ⁸⁰ See Letter from Michael Tiry, Area Engineer, Department of Agriculture Soil Conservation Service, to Ed Odgers, Chief of Conservation Engineering, DATCP Soil and Water Resource Management Section, November 18, 1991.
- ⁸¹ See Letter from Michael Tiry, Area Engineer, Department of Agriculture Soil Conservation Service, to Steve Rake, District Conservationist, Department of Agriculture Soil Conservation Service, September 23, 1993.
- ⁸² See October 4, 1993 Revised Operation and Maintenance Plan for Barnyard Runoff Control System.
- ⁸³ Conversations between MEA and DATCP, 7/27/00.
- ⁸⁴ Id.
- ⁸⁵ Id.

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