



**DNR: Some valid concerns out of scope of review**

By Ian Stepleton

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Some of the concerns aired by those at December's public hearing about modifying Rosendale Dairy's wastewater permit were deemed irrelevant or outside the scope of matters addressed in the final draft.

"Quite a few [of the concerns] did deal with issues beyond the scope of what we are asked to review for the modification," said Liz Spaeth-Werner, wastewater specialist for the DNR. "Also a fair number were germane to the permit."

"We've taken existing laws as far as they can go to assure that significant safeguards are in place to maximize protection for the environment," said Gordon Stevenson, who leads the DNR's runoff management section, in a press release.

Yet many were found not to be germane to the process, or out of the scope of what the DNR can regulate --- regardless of their merit.

"The department does not have the authority to ..." was among the most repeated phrases used in the responses to comments sent to the DNR about the permit modification.

Among the issues it cannot regulate include:

- Prohibiting application of manure when water is in a tile outlet on land drained by tile lines;
- Requiring discharge limits from drain tiles for concentrated animal feeding operations (CAFOs);
- Requiring pretreatment of manure, although the DNR does encourage it;
- Use of manure digesters;
- Increasing groundwater monitoring in specific fields;
- Require in-stream monitoring by the dairy, or monitoring of downstream ditches, creeks, rivers, or other waterways;
- Require continuous monitoring of all output from the facility.

It also made it clear that state law identifies that the dairy, not the DNR, is responsible for monitoring land for potential runoff.

"The [plan] requires the permittee to visually monitor field conditions before and after spreading manure and before and after rainfall events," the response reads at one point.

Spaeth-Werner explained that, while the DNR does not regulate some of these issues, it doesn't mean members of the public were incorrect to be concerned in some cases

Maybe because we don't have all the research information or the time to delve into all the research [we haven't been able to regulate some issues]," she said. "[Concerns] may be germane, but until somebody has the chance to investigate further..."

One example she cited was a concern about the pharmaceuticals in cow manure entering the groundwater.

"I have no idea what they give cows at this site or others," she said, noting "that's a DATCP [Department of Agriculture Trade and Consumer Protection] thing" to be regulated.

DATCP is in the process of holding hearings on its rules related to farms, with one set for March 2 in Oshkosh.

Regarding whether cow manure is treated before being spread, too, cannot be regulated by the DNR under current law, she added.

"That may be a valid [concern] for that kind of thing, but maybe the technology is not up to speed [yet]," Spaeth-Werner said of why legislation may not require its use at this time.

In the meantime, she suggested that if the Rosendale Dairy's neighbors have questions about whether the dairy is following the rules set out for it, they may contact its new public affairs officer, Bill Harke.

He can be reached at 920-766-5335 x227, or by calling 920-858-3607.

And the dairy's neighbors plan to do just that: watch the dairy for violations, and lobby for more legislation.

"PEPL reps are traveling to Madison tomorrow for Conservation Lobby Day," said Elaine Swanson, who head up the neighbor group PEPL of Rosendale. "We will join hundreds of conservationists around the state to speak to local legislators urging stricter laws to protect our groundwater from intensive overuse and contamination from reckless manure spreading.

"With the expected permit for expansion, we're prepared to test waters, document violations, do DNR's work --- because we know that the water we save will be our own."