

OBTAINING APPROVAL TO INTRODUCE MORE THAN 10% ADDITIVES TO DIGESTER AND WASTE FACILITIES

Wisconsin is the home of more anaerobic digesters on dairies than any other state. The Dairy Business Association (DBA) is in the process of assisting its members with the development of a number of biogas projects in Wisconsin. Some CAFO operators installing anaerobic digesters are concerned that their WPDES permit limits the amount of allowable substrate, or additives, to 10% of the total digester volume. This limitation can be an impediment to optimizing digester performance. Following are the administrative rules regarding additives in digesters and manure storage facilities, and how a CAFO may request a permit modification to allow more than 10% additives:



David Crass
Michael Best & Friedrich

a request, the DNR will consider the beneficial use or purpose of the chemical or pollutant and the potential impact of its storage or land application on waters of the state. NR 243.17(2)(a)1, 2.

In summary, a CAFO operator must obtain written DNR approval prior to adding anything other than manure to a digester or manure storage facility. NR 243 does not limit the amount of

additives to 10%, but allows the DNR to impose additional requirements on a CAFO if more than 10% of additives are introduced to a digester or manure storage facility.

Modifying a WPDES Permit to Allow More than 10% Additives to a Digester or Manure Storage Facility

Many CAFO WPDES permits issued within the last few years pursuant to prior versions of NR 243 contain a provision limiting the amount of additives in a digester to 10% of the total volume of material in the digester. In most cases, these WPDES permits were issued prior to recent revisions of NR 243. As explained above, the current version of NR 243 does not limit additives to 10% by volume, but requires an operator to obtain written approval from the DNR prior to introducing any additive to a digester or manure storage facility.

If an existing WPDES permit contains the 10% limitation and a CAFO operator wishes to introduce more than 10% additives to a digester or manure storage facility as contemplated by the current version of NR 243, they will first need to obtain a permit modification, and then obtain written approval from the DNR to introduce the additives.

As noted above, pursuant to NR 243.17(1)(a)3, a digester or storage facility with more than 10% additives may be subject to additional monitoring or reporting requirements.

Under authority pursuant to Wis. Stat. § 283.53, a WPDES permittee may submit to the DNR a request to modify its permit. The modification request, usually in the form of a letter addressed to the DNR staff person who signed the permit, should set out the requested modification and the reason for the request. In this case, the permittee would request the 10% provision be removed from its permit because the revised version of NR 243 no longer limits additives to 10% of total digester or manure storage volume.

Once the request is submitted to DNR, the agency has 100 business days to publish notice indicating whether it will approve or deny the request. Wis. Admin. Code § NR 200.10(1). The DNR is required to consider the environmental impact of the modification, and hold a public hearing if requested by USEPA, any affected state, five or more persons, or if they determine there is significant public interest. Wis. Stat. § 283.49(1)(b), NR 200.10(3).

An environmental review for this type of modification is minimal; the DNR is not required to prepare an Environmental Assessment or an Environmental Impact Statement. Wis. Admin. Code §§ NR 150.03(5)(i)(2)(f), NR 150.20(1)(a). If a public hearing is requested, the DNR will publish notice, hold the hearing and consider the issues raised. Their final decision on the modification request must be made within 50 business days of completing the environmental review and public hearing procedure outlined above.

Relevant Administrative Rules

Wis. Admin. Code § NR 243.17(1)(a)1 requires a CAFO operator to obtain written approval from the DNR prior to introducing any additives, other than manure, to a digester. Depending on the characterization of the additive, the DNR may require monitoring for additional pollutants, including metals. If additives will comprise more than 10% of the total volume of material in the digester, or if the DNR determines that the characterization of the additives warrants, they may apply additional requirements pursuant to Wis. Admin. Code chs. NR 213 and 214. NR 243.17(1)(a)2, 3.

In addition, NR 243.17(2) requires a WPDES permittee to notify the DNR and obtain written approval prior to adding any chemicals, pollutants or other wastes to any manure storage or treatment facility. When determining whether to approve such

WISCONSIN AGRICULTURE COALITION QUESTIONS KARST TASK FORCE

The Wisconsin Agriculture Coalition, in a letter to DNR Secretary Matthew Frank and DATCP Secretary Rodney Nilsestuen, addressed the focus of the Task Force who wrote the Northeast Wisconsin Karst Task Force Report.

Inadequate identification of sources that impact water quality and overstatement of soil risks were two areas that concerned the Agriculture Coalition after the University of

Wisconsin Discovery Farms reviewed the Karst Report.

The focus of the Northeast Wisconsin Karst Task Force Report, completed in February 2007, was limited to livestock agriculture's contribution to water quality issues in Karst topography. UW Discovery Farms' review provided insight that this approach was limiting and did not take into account water

quality impacts caused by a variety of other contributing sources. The report overstates the risk presented, and the Agriculture Coalition is concerned that the Karst Report will be referenced as a peer-reviewed technical guide when revising statewide agriculture regulations.

(Continued on back page)

COWS, COMMUNITY ARE PRIORITIES AT MAPLE RIDGE DAIRY

by Peggy Dierickx, DBA Communications Director



Maple Ridge Dairy, Stratford, WI

Being a good neighbor and caring for the cows are high priorities at Maple Ridge Dairy. The 1,000-cow dairy located in central Wisconsin focuses not only on keeping their cows content, but their community as well.

Ken Hein and Gary Ruegsegger formed a corporation ten years ago that brought the brothers-in-law together in a partnership. With Ken as president and Gary as CEO, their close attention to detail has helped them achieve an outstanding rolling herd average. "We pride ourselves on production," Ken said, "and we pay a lot of attention to nutrition." Though Gary once worked as a nutritionist, they still rely on a hired consultant to offer a fresh perspective on the needs of their herd.

While Ken and Gary take the lead management roles, this true family operation involves Gary's wife, (Ken's sister) Mary, who helps with calf care and Ken's brothers Tim and Tom who are also among the 17 employees at Maple Ridge Dairy. Ken's parents, Phil and Lu, still maintain a small share of ownership in the dairy. Even at age 80, Phil enjoys being a part

"We joined DBA four years ago...Having Laurie Fischer at the Capitol watching things for us is important because we can't be there." - Ken Hein

of the operation and attending dairy functions like DBA's Annual Business Conference.

As a large dairy owner, Ken realizes the importance of reaching

out and building positive relationships around the community of Stratford. Each summer, they

Maple Ridge Dairy
Stratford, WI
Ken Hein, President;
Gary Ruegsegger, CEO

- 1,000-cow dairy; RHA: 31,200 lbs.
- Calves are raised at the dairy until 5 months; Heifers return from the custom grower 60 days before freshening.
- Cows are housed in a sand-bedded freestall barn and milked in a double-16 Germania milking parlor.
- Alfalfa and corn are grown on 1,800 acres.
- All harvesting, planting and manure hauling is custom-hired.

organize a picnic at their farm. "We invite all the neighbors in the township. These are the people who we are driving by when we are hauling and harvesting. We get them out to the farm, and we give them farm tours," Ken said.

While Ken takes a proactive approach to issues in his neighborhood, he relies on DBA to be at the forefront of state policies.

"We joined DBA four years ago because we agreed with the views and philosophies. Having Laurie Fischer at the Capitol watching things for us is important because we can't be there," Ken said. When called upon by DBA, Ken and his father have spoken up on issues at public hearings. Though Maple Ridge Dairy is not planning to expand at this time, Ken recognizes the vital role DBA played with transforming the livestock siting process for the betterment of the industry.

Ken also enjoys attending DBA's Annual Business Conference. "I like going to that event because I like visiting with larger farmers about their issues and problems. I enjoy the social hour and I get to find out what is going on in between here and Madison."



StormFisher Biogas is a renewable energy company that works with dairy producers and food processing companies to convert organic by-products and manure into electricity, natural gas and organic fertilizer. The company plans to

WELCOME TO DBA'S NEWEST ELITE MEMBER

build 3-5 plants ranging from 2-5 megawatts in Wisconsin in the coming years in partnership with dairy producers and food processors.

With \$350 million in capital, StormFisher is the most highly-funded biogas company in the world. The company works closely with European biogas engineering and technology firms, notably Germany's world class firm Krieg + Fischer, which has built more than 120 plants around the world.

To learn more about StormFisher Biogas, contact: Ryan Little, Vice-President, Business Development 411 Richmond Street East, Suite 200, Toronto, ON M5A 3S5
Toll-Free: 1.877.850.7680 x203
Fax: 1.866.575.4544
rlittle@stormfisher.com
www.stormfisher.com

PLATINUM MEMBERS



DAIRYBUSINESS



FIGHT FOR DAIRY'S FUTURE WITH DBA'S PAC AND CONDUIT

While you are caring for your cows, someone sits at a desk in Madison deciding the fate of your dairy operation. Your best chance to safeguard your dairy's future is to make sure that the people elected to office show a true commitment to Wisconsin's dairy industry. That's why DBA has developed campaign financing, an effective and easy service to represent your best interests at our state's capitol.

It's Effective

Four Cubs Farm near Grantsburg is a long way from Wisconsin's state capitol. However, Cris Peterson is confident even from 300 miles away that lawmakers care about the future of her dairy because she contributes to the DBA Conduit. DBA's success with livestock siting, the dairy modernization tax credit and other pivotal legislation can be partly attributed to dairy supporters in elected offices. "We contribute through the conduit. It has been proven successful," Peterson said. "Instead of contributing directly to a candidate, we do it through DBA."

Just one option for campaign financing, the conduit allows dollars to be given to

the candidates of your choice while counting your contribution towards DBA's overall goal.

It's Easy

"Contributing through the conduit is easy," Peterson said. "I really believe in what DBA is doing." As the secretary for DBA's Board of Directors, she is familiar with the issues that Wisconsin dairy producers of all sizes face. In less than a decade, she and her family grew their dairy from 50 to 700 cows. Coming from a political family, it is especially important to Peterson to support the electoral process, and she finds that doing so through DBA is a simple way to be involved without having to take time away from her dairy.

Make Your Contribution

Don't wait until Election Day to get involved in selecting your representatives. Start now by pledging any amount you wish to the DBA Conduit. Contact DBA at 920.788.7588 or visit our website at www.widba.com and look under *Fight for Dairy's Future* to download a brochure and donation form.

DEALING WITH DIFFICULT QUESTIONS

From the Agriculture Emergency and Response Risk and Crisis Communication Pocket Guide

During an emergency, the media or public may ask questions that, if answered directly, could back you into a corner on a difficult issue. Here are some types of questions that can be tricky, with tips for handling them:

Allegation Questions (For example, "The Department of Agriculture's negligence in surveillance is what caused this mess; how are you going to fix it?")

- Repeat/rephrase the question without repeating the allegations or saying negative words.
- Acknowledge that the issue is important.
- Do not become defensive.
- State what has been done and/or what the department is doing or will do to address the issue.

Sample response: "You've raised a serious question regarding the surveillance conducted. This is an important issue for us and the Department of Agriculture is currently investigating all aspects of the situation."

Guarantee Questions (For example, "Can you guarantee that mad cow disease won't affect my family?")

- Do not answer with a yes or no response.
- Point out that the question is about the future.
- Acknowledge what has worked in the past/present.
- Bridge to known facts, processes, or actions: "Here's what I can guarantee..."
- Emphasize precautionary measures.
- Focus on processes rather than results.

Sample response: "What I can guarantee is that we are doing X and Y to protect families in the surrounding community."

Worst-Case Questions (For example, "What are the worst effects this outbreak of avian influenza could have?")

- Point out that this is a "what if" question.
- Indicate that it is more useful to talk about "what is."
- Bridge to known facts.

DBA's Campaign Finance



DBA Conduit

A gift to the conduit goes to the candidates of your choice while allowing DBA to count your contribution towards our overall goal.

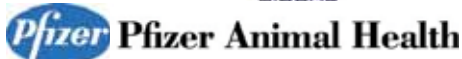


KEEPING THE COWS IN WISCONSIN™

4039 Ponce De Leon Blvd.
Oneida, WI 54155

920.491.9956/920.491.9976 fax
www.widba.com

ELITE MEMBERS



DBA Mission

To Promote the Growth and Success of all Dairy Farms in Wisconsin by Fostering a Positive Business and Political Environment.

WISCONSIN AGRICULTURE COALITION QUESTIONS KARST TASK FORCE *(cont. from front page)*

"All land activities are important. Efforts to reduce groundwater degradation must take into account a range of issues and include strategies for dealing with all of them. The potential impacts to groundwater in Karst areas of the state are not solely in northeast Wisconsin. All sources of nutrient contamination need to be evaluated so that we can effectively protect and improve Wisconsin's environment," said Laurie Fischer, executive director of the Dairy Business Association.

Members of the Agriculture Coalition who signed the letter are Wisconsin Pork Association, Wisconsin Cattlemen's Association, Wisconsin Federation of Cooperatives, Wisconsin Crop Production Association, Wisconsin Agri-Service Association, Wisconsin Cheese Makers Association, Midwest Food Processors Association, Inc.,

Professional Dairy Producers of Wisconsin, Wisconsin Agribusiness Council and Dairy Business Association.

The Agriculture Coalition supported aspects of the Karst Report including launching a broader study of carbonate bedrock areas throughout Wisconsin and recommendations regarding well construction, maintenance and testing. Other suggestions stated in the note to the DNR and the DATCP were to expand research and training efforts to include land managers, agency staff and service providers, as well as establishing a soil mapping pilot program through UW Discovery Farms in Calumet County. The goal of the mapping program would be to reduce the risk of surface and groundwater contamination by studying soil depth and nutrient application.

WELCOME TO DBA'S NEWEST MEMBERS

Producers

- Abel Dairy Farm, LLC
- Alsteen Dairy
- Brandvale Dairy
- Brian Bresser
- Noble Dairy, LLC
- Tom Phillips
- Pine Drive Dairy
- Rausch Farms
- Sugar Creek Farms
- Vir-Clar Farms
- Zero Acre Dairy

Gold

- Calf-Tel by Hampel Corp.
- Paul Mueller Company
- Stearns Vet Outlet Store

Professional

- Dick Meyer Company
- Emerald Lane Farms, LLC
- Hoof-It Technologies
- Pravecheck Farm Supplies
- Prince Agri Products
- RXV Veterinary Products
- Udder Comfort

Allied

- Ag-Bag A Miller – St Nazianz, Inc.
- Brick Bros.
- Dairyland Seed Co.
- Roland Machinery
- Tiry Engineering
- Trouw
- Vettec, Inc.

The DBA Newsletter is published quarterly by:
Dairy Business Association
4039 Ponce De Leon Blvd.
Oneida, WI 54155

Editor

Peggy Dierickx, Dairy Business Association

Layout and Design

Charlene McCauley, Accelerated Genetics

Printing and Mailing

Renee Buelow, Dick Binish & Katie Stibb, Vet Pharm, Inc.