

## Uvaas, Benjamin J - DNR

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**From:** Peg Zappen <pzappen@gmail.com>  
**Sent:** Friday, March 15, 2019 7:54 AM  
**To:** Uvaas, Benjamin J - DNR  
**Subject:** Babcock Genetics CAFO

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Public Comments

Good morning Benjamin - I live in Trempealeau where we have many problems with contaminants in wells. We need to start acting to stop the pollutants. I think that the Babcock swing facility poses a risk to our local water quality and public health. DNR needs to do better. Please do not allow this permit to proceed.

Thank you.

Peg Zappen  
Trempealeau, WI



## Uvaas, Benjamin J - DNR

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**From:** Adams, Erin <erin\_adams@fws.gov>  
**Sent:** Monday, March 25, 2019 1:27 PM  
**To:** Uvaas, Benjamin J - DNR  
**Cc:** Chandler, Sabrina; Timothy Yager; Tim Miller  
**Subject:** Comments for WPDES No. WI-0056529-06-0  
**Attachments:** USFWS\_UMRNWFR\_LCD\_Comments\_Babcock\_Genetics\_LLC\_WPDES\_PermitNo\_WI-0056529-06-0.pdf

**Categories:** Public Comments

Dear Ben,

Attached please find our PDF of the Refuge's comments regarding WPDES No. WI-0056529-06-0.

If you have any questions please contact me or the La Crosse District Manager, Tim Miller ([Tim\\_A\\_Miller@fws.gov](mailto:Tim_A_Miller@fws.gov)).

Thanks,  
Erin

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Erin Adams  
Wildlife Biologist  
Upper Mississippi River National Wildlife & Fish Refuge - La Crosse District  
N5727 County Road Z Onalaska, WI 54650  
O: 608-779-2387  
C: 608-780-7301  
[erin\\_adams@fws.gov](mailto:erin_adams@fws.gov)

[Watch Wildlife on the Refuge via the Raptor Resource Project's Lake Onalaska Camera](#)





# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Upper Mississippi River National Wildlife and Fish Refuge  
La Crosse District  
N5727 County Road Z  
Onalaska, Wisconsin 54650

IN REPLY REFER TO:  
FWS/La Crosse UMRNWR LCD

March 25, 2019

RE: (WPDES) PERMIT No. WI-0056529-06-0

TO: Ben J. Uvaas  
DNR Oshkosh Service Center  
625 E. Cty Rd Y  
Oshkosh, WI 54901

Dear Ben Uvaas:

In response to the permit renewal of Babcock Genetics LLC, the Upper Mississippi River National Wildlife and Fish Refuge, La Crosse District would like to submit comments to the Wisconsin Department of Natural Resources in opposition to the permit renewal (No. WI-0056529-06-0) as proposed.

The Upper Mississippi River National Wildlife and Fish Refuge (Refuge), established in 1924, covers 240,000 acres of land and water along 261 river miles of the Mississippi River along Wisconsin, Minnesota, Illinois and Iowa. The floodplain habitat and backwaters of the refuge are the home, breeding grounds, and migratory stopover for hundreds of species of birds and waterfowl, as well as many other plant and animal species in the Midwest. The refuge is a Wetland of International Importance (Ramsar) and a Globally Important Bird Area.

Babcock Genetics LLC shares a boundary with the Refuge's La Crosse District, specifically Browns Marsh, which connects directly to the Black River and thereafter to Lake Onalaska on the Mississippi River. These areas make up a major migratory bird resource in the Mississippi Flyway, and are a premier hunting and fishing destination for local residents and out-of-state tourists. High nitrates in an aquatic system can create a nutrient imbalance, promote rapid algae growth that reduces oxygen in the water that can then cause fish kills or promote toxic blue-green algae growth, and overall negatively impact aquatic food webs. Rapid algae growth can also impact recreation and navigation by clogging waterways and boat motors.

The Babcock Genetics LLC confined animal feeding operation (CAFO) groundwater monitoring results have shown nitrate levels above state limits and exceed federally acceptable levels for drinking water. These results suggest that conditions in the past permit as approved and the current permit as drafted are not attainable by the applicant, through their existing infrastructure

and operations, or the nutrient management plan. The refuge is concerned that in light of no planned operational changes during the next 5-year permit term, existing problems will continue to affect water quality due to the current operations at Babcock Genetics LLC.

Reviews of multiple studies have shown that accepted CAFO waste management practices fail to protect water resources from nutrient pollution, contaminants including heavy metals, microbial pathogens as well as antibiotics and other veterinary pharmaceuticals (see review in Burkholder et al. 2007, Environmental Health Perspectives 115:308-312). The Refuge recommends that surface and groundwater quality standards be established for the Browns Marsh and Black River, and the applicant or WI DNR initiate a monitoring program to ensure that Babcock Genetics LLC operation does not continue to impair water quality, fish and wildlife health, and federally designated public use of the area.

The state identifies this area as having high permeability soils with groundwater very close to the surface, and Babcock Genetics is directly adjacent to or has high potential to deliver nutrients and sediment to the Black River. Considering the environmental characteristics identified by the WI DNR, the negative impact of a spill, failure or emergency in this location would be much greater than in areas with less porous soils, deeper groundwater levels, or a greater distance to wetlands.

The Refuge would request that the WI DNR deny the permit renewal to Babcock Genetics LLC as proposed, and request that the permit not be issued until the engineering evaluation, and emergency response plan are reviewed and approved by the WI DNR, and necessary updates completed. The Refuge recommends that the applicant revise the permit and proposed operational plans to ensure that the high nitrates, aging or non-complaint infrastructure, coliform bacteria loads, and other potential risks and local system impacts are adequately addressed as soon as possible.

If you have further questions or concerns, please contact Tim Miller ([Tim\\_A\\_Miller@fws.gov](mailto:Tim_A_Miller@fws.gov)) or Erin Adams ([Erin\\_Adams@fws.gov](mailto:Erin_Adams@fws.gov)) of this office.

Sincerely,



Timothy A. Miller

La Crosse District Manager  
Upper Mississippi River National Wildlife and Fish Refuge

*Maureen Freedland, District 4 Supervisor  
County of La Crosse, Wisconsin*

2641 Schubert Place  
La Crosse, Wisconsin 54601  
Telephone (608)796-1076  
[maureenfreedland@gmail.com](mailto:maureenfreedland@gmail.com)

Submitted at  
hearing  
3/14/2019

March 14, 2019

Re: Babcock Genetics permit reissuance

To the DNR:

I am Maureen Freedland, 2641 Schubert Place in La Crosse, and I am elected to the La Crosse County Board of Supervisors. I am a member of the Health & Human Services Committee. Thank you for this opportunity to provide comments.

I also applaud the La Crosse County Health Department for its pro-activeness in seeking answers and sound public policy about our high nitrate issues, whether agricultural or other contamination sources, including information and education, development of municipal water systems, looking at land use practices private and public, and also this, review of this pollution discharge permit for Babcock Genetics.

My comments are my own.

More environmental assessment is needed before the permit can be renewed. This would include probability studies of mechanisms by which failure of manure storage may happen with our alluvial soils here, which have rapid permeability and infiltration rates, to help decide if the risk of failure is acceptable. We are part of a sensitive environmental setting. Why is there a concentrated animal feeding operation here??

The lagoons here in question were built in 1975 and 1979, the relining with PVC in 1991, and that is old, and even before an animal waste ordinance was in effect. Complete failures of large scale lagoons and pits cannot be discounted here and pose an unacceptable risk.

Even with the well testing that La Crosse County has diligently performed, and the recently completed 3-county study called the Southwest Wisconsin Groundwater and Geology study (SWIGG), the WDNR must do a far broader, state-funded study of groundwater pollution in the region. Of particular concern to me is more sampling along the Black River and Fleming Creek, as those areas have the same substratum as Brice and August Prairies.

The record is deficient in study of the danger and extent of odors and air pollution on surrounding citizens. Fuller assessment should be done to examine the content, extent, as well as health and property impacts of air quality and odors. The irrigation here, for example, creates extra odors.

I have specific concerns about monitoring before a permit is reissued: not just the number of monitoring wells, but placement and frequency.

Placement of the monitoring wells is critical in light of the age of the infrastructure. Much of the manure storage is under roof or below ground, and undetectable from above ground. The placement of the monitoring wells need to be up-gradient and down-gradient of the facility, and at the edge of the fields.

The frequency of reports is not enough, with NR 243 compliance obscure. For example, the permittee must calibrate the irrigation system but it is unclear if and by whom it is being done.

We must all be deeply concerned about the effect of changing climate conditions on human health.

I ask you to deny the permit without looking closely at what role changing climate conditions play, and what role this permit has on how climate changes.

For example, with the increased precipitation we are experiencing including regular severe rainstorms, wet soils, and other deviations from historical patterns, we should expect to lose more nitrogen to ground water as soils dry quicker. So more nitrogen then gets added to offset this increased leaching of nitrogen. A circular pattern results leading to water pollution with effects on the environment. Also, with increased precipitation, do these old facilities allow the full 180 days of permitted storage?

Finally, and recognizing that the Babcock Genetics pollution discharge permit renewal is the immediate topic of our concern today, I implore the hearing officer to make careful note and to report to the DNR additional comments of citizens concerning general concern about the public health, safety, or environmental risks of groundwater pollution from large feedlots and manure lagoons in a sensitive geological area. Do not discount off as not providing specific recommendations for regulatory action, or exceeding the scope of the permit or the scope of DNR's authority.

That would not be responsive to community you have come to. That will not serve the future. The DNR should be listening all of the time, and at the lead of advocating for our important waters here, and all over the state, with common sense limits on livestock sewerage disposal, looking from the long-range, cumulative view.

Err on the side of the environment and public safety, use the best information available. What we do to the land affects us all, especially our children and grandchildren. Thank you.

Respectfully

A handwritten signature in black ink, appearing to read "Maureen Freedland". The signature is fluid and cursive, with a large initial "M" and "F".

Maureen Freedland  
La Crosse County Board of Supervisors



## Uvaas, Benjamin J - DNR

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**From:** Vickie Walley <vickiewalley@gmail.com>  
**Sent:** Sunday, March 24, 2019 7:33 AM  
**To:** Uvaas, Benjamin J - DNR  
**Subject:** Comments for Babcock Genetics LLC permit - in document and attachment  
**Attachments:** Babcock Genetics Hearing submission Town of Holland.pdf  
  
**Categories:** Public Comments

Department of Natural Resources, Mr. Uvaas,  
Thank you for accepting our comments for consideration with the permit application renewal.

My husband and I live within the Town of Holland and are disturbed by the high nitrate levels in the drinking water from our wells. Our research indicates the scientific community has studied nitrates and shows the retaining ponds for the manure at CAFO'S is a major contaminant. We are also concerned about the spraying of the liquid manure with the soil structure in our area. (*"Groundwater resources are plentiful in La Crosse County and it is the source of residential water supply for Town of Holland residents. A sandstone and dolomite aquifer coupled with the soil geology of the area allow for rapid groundwater recharge, which supplies a constant supply of water. Groundwater in the area is generally considered to be of good quality; however, the area's porous soil geology, while allowing for rapid groundwater recharge, can also make the groundwater more susceptible to contamination."* - this quote from Town of Holland, Wisconsin Volume 2: Comprehensive Plan, Existing Conditions Report, January 2007.) **Please note this was 2007 and current information shows our groundwater is contaminated - could we still say it is of 'good quality' - not in our area of the County. The warnings were here in this report.** Many of the fields sprayed flood with all heavy rains and snow melt causing concentrated runoff. The well test results from the Babcock Genetics location have shown continued rise in nitrates with water testing each year, documentation of this was provided at the hearing at the Town of Holland. We have heard nothing from the DNR that indicates there have been efforts to follow through on enforcement of previous permit requirements and more test wells will not eliminate the problem. Confirming the problem continues to exist will not help the families in our community. Perhaps the size of this operation is too large for the type of soil substructure we have in our area. We want to know what the DNR and Babcock Genetics are doing to ensure the issue does not continue to become worse and any steps they are taking to alleviate the existing problem.

Ron and Vickie Walley  
W7788 Windmill Street  
Holmen, WI 54636



My husband and I live within the Town of Holland and are disturbed by the high nitrate levels in the drinking water from our wells. Our research indicates the scientific community has studied nitrates and shows the retaining ponds for the manure at CAFO'S is a major contaminant. We are also concerned about the spraying of the liquid manure with the soil structure in our area. (*“Groundwater resources are plentiful in La Crosse County and it is the source of residential water supply for Town of Holland residents. A sandstone and dolomite aquifer coupled with the soil geology of the area allow for rapid groundwater recharge, which supplies a constant supply of water. Groundwater in the area is generally considered to be of good quality; however, the area's porous soil geology, while allowing for rapid groundwater recharge, can also make the groundwater more susceptible to contamination.”* - this quote from Town of Holland, Wisconsin Volume 2: Comprehensive Plan, Existing Conditions Report, January 2007.) **Please note this was 2007 and current information shows our groundwater is contaminated - could we still say it is of 'good quality' - not in our area of the County. The warnings were here in this report.** Many of the fields sprayed flood with all heavy rains and snow melt causing concentrated runoff. The well test results from the Babcock Genetics location have shown continued rise in nitrates with water testing each year, documentation of this was provided at the hearing at the Town of Holland. We have heard nothing from the DNR that indicates there have been efforts to follow through on enforcement of previous permit requirements and more test wells will not eliminate the problem. Confirming the problem continues to exist will not help the families in our community. Perhaps the size of this operation is too large for the type of soil substructure we have in our area. We want to know what the DNR and Babcock Genetics are doing to ensure the issue does not continue to become worse and any steps they are taking to alleviate the existing problem.

Ron and Vickie Walley  
W7788 Windmill Street  
Holmen, WI 54636



## Uvaas, Benjamin J - DNR

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**From:** sharon hampson <shampson51@gmail.com>  
**Sent:** Friday, March 22, 2019 4:34 PM  
**To:** Uvaas, Benjamin J - DNR  
**Subject:** Babcock Genetics Permit

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Public Comments

March 22, 2019

Mr. Ben Uvaas  
Wisconsin Dept. of Natural Resources  
Oshkosh DNR Service Center  
625 E County Rd Y  
Oshkosh, WI 54901

Via email to [Benjamin.Uvaas@wisconsin.gov](mailto:Benjamin.Uvaas@wisconsin.gov)

RE: WPDES permit No. WI-00-56529-06-0, Permittee Babcock Genetics LLC

Dear Mr. Uvaas:

This letter is sent to you as the Permit Drafter for the reissuance of the WPDES permit referenced above. Per Department of Natural Resources Chapter NR 203, we, the La Crosse County Health & Human Services Board, a Standing Committee of the County Board, petition that the permit be terminated per **Chapter NR 203.136 (30) (c)**, which reads, **"A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification, revocation and reissuance, or termination"**. The more than twenty-year history of exceedances in nitrate levels of monitoring wells at Babcock Genetics and the fact that most recent (April 2017 through November 2018) monitoring well data confirms increasing level and frequency of noncompliance with an average nitrate level of 24.73 mcg/dL is direct documentary evidence that the permitted activity endangers human health.

Elevated nitrate levels endangering public health is not limited to populations that are adjacent to Babcock Genetics. The La Crosse County Health Department identified some private wells, located mostly in the Towns of Holland and Onalaska, that have elevated levels of nitrates and/or bacteria in private wells and issued a Water Quality Health Advisory for Private Wells to 2,000 residents in the advisory area on March 31, 2017. Of the 542 private wells tested, 30.3% exceeded authorized levels of nitrates (10 mcg/dL). La Crosse County is dedicated to fulfilling its responsibility to protect the public health of all private well users in the county by identifying all sources of ground water pollution, be they residential, commercial, or agricultural, and use its powers to regulate land uses endangering public health. Our County Ordinance on public health hazards reads, **"11.29 (2) HUMAN HEALTH HAZARD PROHIBITED. No person shall erect, create, cause, continue, maintain or permit any human health hazard within the County. Any**

**person who shall cause, create or maintain a human health hazard, or who shall, in any way, aid or contribute to the causing, creating or maintenance thereof, shall be guilty of a violation of this section and shall be liable for all costs and expenses attendant upon the removal and correction of such a human health hazard and to the penalty provided in s. 25.04 of this Code.”**

La Crosse County further petitions, should this permit be reissued, substantial operational changes be required of the permittee to reduce the nitrate load going to ground water, to protect public health. That is:

- 1) limit animal units to less than 1,500.
- 2) Require reporting of monitoring wells data 4 times per year and that the DNR provide this data to the La Crosse County Health Department.
- 3) Additional groundwater monitoring.
- 4) Evaluation of permanent manure storage and transfer facilities.

La Crosse County also petitions that per NR203.20, the final decision be made no sooner than 60 days of the close of the hearing to provide for public review.

We thank the Wisconsin Department of Natural Resources for providing a public hearing on this permit and for your and Mr. Cain's professional and courteous manner.

Sincerely;

Sharon Hampson  
Chair, Health & Human Services Board of the County of La Crosse

[shampson@lacrossecounty.org](mailto:shampson@lacrossecounty.org)

## Uvaas, Benjamin J - DNR

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**From:** Doug Weidenbach <DWeidenbach@lacrossecounty.org>  
**Sent:** Friday, March 22, 2019 2:51 PM  
**To:** Uvaas, Benjamin J - DNR  
**Subject:** WPDES permit number: WI-00-56529-06-0  
**Attachments:** letter to DNR.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Public Comments

Mr. Uvaas:

Please see the attached letter concerning the subject's permit.

*Doug Weidenbach*

County Board Supervisor - 3rd district, 2nd Vice Chair

Chair, City of La Crosse Arts Board

213 Copeland Ave.

La Crosse, WI 54603

(608) 797-3240

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March 22, 2019

Mr. Ben Uvaas

WI Department of Natural Resources

Oshkosh DNR Service Center

625 E County Road Y

Oshkosh, WI 54901

Re: WPDES permit number: WI-0056529-06-0

Dr. Mr. Uvaas,

As a member of the La Crosse County Health and Human Services Board I am partly responsible for insuring the health of our county's residents. I am writing to petition that the permit for Babcock Genetics, LLC be terminated or otherwise modified to ensure clean drinking water in our county.

We at the HHS Board have received information from well data at Babcock Genetics that shows more than a twenty-year history of exceedances in nitrate levels, and recent well data from Babcock Genetics that shows increasing levels of nitrates at 24.73 mcg/dL (above the limit of 10.0 mcg/dL). Recent test by our county Health Department of private wells indicated contamination as well. Of 542 private wells tested, 30.3% exceeded recommended levels of nitrates.

Given this information, and recent public testimony, it is imperative for the residents of our county that the permit for Babcock Genetics be securitized to ensure full compliance with all applicable state and county rules and that drinking water is safe.

Thank you for your attention to this matter.

Sincerely,

*D. Weidenbach*

Doug Weidenbach

La Crosse County Board Supervisor



## Uvaas, Benjamin J - DNR

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**From:** Kevin Kenow <kpkenow@gmail.com>  
**Sent:** Friday, March 22, 2019 8:33 AM  
**To:** Uvaas, Benjamin J - DNR  
**Cc:** t\_a\_miller@fws.gov; erin\_adams@fws.gov  
**Subject:** Comments concerning intent to reissue WPDES Permit No. WI-0056529-06-0 to Babcock Genetics LLC

**Categories:** Public Comments

Dear Mr. Uvaas,

I very much appreciated the Wisconsin DNR holding the 14 March 2019 public information meeting concerning the reissuance of WPDES Permit No. WI-0056529-06-0 to Babcock Genetics LLC for pollutant discharge. The testimony presented by several individuals, including members of the La Crosse County Board and La Crosse County Health Department, highlighted the shortcomings of the Wisconsin DNR to hold Babcock Genetics LLC accountable for groundwater contamination. The determination to reissue the permit was made even though nitrate levels measured in test wells for the Babcock Genetics LLC CAFO have repeatedly exceeded state limits. It is concerning that recent (2018) well nitrate test results show substantially increased nitrate levels and that this data was not even considered in the permit review. Highly permeable soils, coupled with relatively shallow depth to groundwater, set up rapid transport of contaminants to a groundwater system feeding private wells in the area. Human health impacts must be of paramount importance in your review.

Also, consideration should go beyond nitrates in groundwater. The permit review failed to consider surface water contamination from 1) onsite lined storage for animal waste and process wastewater lagoons (it was indicated at the public hearing that the liners of these storage lagoons have exceeded liner life expectancy) and 2) swine manure and process wastewater spray irrigated on fields surrounding the Babcock Genetics production site. The production site and irrigation fields are immediately adjacent to Brown's Marsh, a wetland system that is part of the U.S. Fish and Wildlife Service's Upper Mississippi River National Wildlife Refuge. As far as I can determine, there has been no consideration of the effects of nutrient inputs onto the Refuge via leaching and overflow from storage lagoons and surface runoff from applications of waste to fields; and there has been no discussion about past, present, or future monitoring to determine direct impacts of pollutant discharge on Brown's Marsh. Several studies have determined that accepted CAFO waste management practices fail to protect water resources from not only nutrient pollution, but also contaminants including heavy metals, microbial pathogens as well as antibiotics and other veterinary pharmaceuticals (see review in Burkholder et al. 2007, *Environmental Health Perspectives* 115:308-312). Degraded conditions downstream of waste effluent release from CAFOs have led to excessive algal growth (Wing et al. 2002, *Environmental Health Perspectives* 110:387-391; Mallin 2000, *American Scientist* 88:26-37), and anoxic conditions associated with high nutrient levels have resulted in major fish kills (Burkholder et al. 1997, *Journal of Environmental Quality* 26:1451-1466). It is imperative that water quality standards be established for the receiving wetland system (Brown's Marsh and Black River) and a monitoring program initiated to ensure that Babcock Genetics LLC operation does not impair water quality, fish and wildlife health, and designated public use of the area.

Given the materials provided in the permit fact sheet and associated materials for Permit No. WI-0056529-06-0 and testimony provided at the public information meeting, I urge the Wisconsin DNR to deny permit

reissuance or drastically reduce the quantity of permitted animal units to a level that protects the integrity of the affected groundwater and surface water systems. An investigation should immediately be initiated to monitor surface water inputs for nutrients, heavy metals, pathogens, and pharmaceuticals from the production site and associated fields to inform impacts on public lands. This information may, in turn, be incorporated into (and improve the effectiveness of) the CAFO facility nutrient management plan.

Thank you for considering my comments.

Sincerely,

Kevin Kenow

W7551 County Road ZB  
Onalaska, WI 54650

## Uvaas, Benjamin J - DNR

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**From:** Margie Webster <mwebglen@gmail.com>  
**Sent:** Saturday, March 16, 2019 5:07 PM  
**To:** Uvaas, Benjamin J - DNR  
**Subject:** Babcock Genetics permit renewal opposition

**Categories:** Public Comments

March 16, 2019

Ben Uvaas  
CAFO Compliance and Enforcement Coordinator  
Oshkosh DNR Service Center  
625 E. County Rd Y  
Suite 700  
Oshkosh, WI 54901

RE: Babcock Genetics, Permit # WI-0056529-06-0

Dear Mr Uvaas,

I am writing regarding the renewal permit for Babcock genetics Nutrient Management Plan.

I am in opposition to the renewal of this permit.

I believe that Babcock Genetics has not met the minimum standards as outlined in previous permits and has not been held accountable to remedy this noncompliance. I believe this poses risks to our local water supply, and to the health of all members of our community.

The role of the Wisconsin Department of Natural Resources is to protect our natural resources. I respectfully request this permit renewal not be allowed, at least until there is evidence that our natural resources can be protected from contamination from this facility.

Thank you.

Margaret Webster, MD  
W4825 Meyers Rd  
La Crosse, WI 54601

Cc: Ben Uvaas via email



## Uvaas, Benjamin J - DNR

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**From:** Charter <kkremenski5350@charter.net>  
**Sent:** Friday, March 15, 2019 8:28 AM  
**To:** Uvaas, Benjamin J - DNR  
**Subject:** Babcock Genetics

**Categories:** Public Comments

I am sending you this email to strongly recommend that Babcock Genetics in Holmen, Wisconsin is not to be able to renew their permit for a pig farm. This farm has 11,000,000 plus waste every year that has contaminated are water to the point that it is unfit for consumption . The facility has not met standards and although they are on an "improvement plan" the only monitoring in place is self reporting by the facility. What kind of incentive is that to improve ? We must protect our natural resources and since you are the guardians please do the right thing and do not extend this facility's permit

Thank you  
Kathy Kremenski  
LaCrosse,WI

Sent from my iPhone





Re: Intent to Reissue Permit No. WI-0056529-06-0

My name is Monica Kruse and I am the 1st Vice Chair of the La Crosse County Board. Until recently, I chaired the county's Health and Human Services Committee. It was during my tenure as chair of that committee that La Crosse County experienced a health advisory to inform residents of well water quality concerns. Specifically, a large number of wells (about a third of more than 500 tested in the northwest part of La Crosse County near Babcock Genetics, LLC., the permit applicant) had high levels of nitrates and/or bacteria. I was a founding member of the La Crosse County Nitrate Task Force. Incidentally, I also live in and represent some of the rural northwestern La Crosse County area in question. I strongly urge you to put Permit No. WI-0056529-06-0 for Babcock Genetics LLC on hold until a number of conditions have been met and the people of La X County have been assured that safeguards have been put in place to prevent further groundwater contamination from this enterprise.

Since it's estimated that 90% of groundwater contamination is directly related to agricultural activity, 40% of Wisconsinites get their drinking water from private wells and we have a large body of information regarding soil susceptibility in our area of the state, it is not unreasonable to expect the DNR to put safeguards into place to protect the health of La Crosse County residents, rather than side with the CAFO industry as they recently did in a settlement with the Dairy Business Association in which they rescinded tougher regulations and weakened their own authority to set and enforce regulations. This case is currently being challenged in court.

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Some of the specific changes we are requesting regarding this permit include but are not limited to:

- \*\*\*NR 151, the rule put into place by the Legislature in response to the groundwater contamination crisis in Kewaunee County should apply statewide, not just in Wisconsin's eastern counties

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- \*\*\*Manure spreading guidelines need to be reexamined in light of clear evidence of groundwater contamination. We have learned a lot since the current guidelines were developed and put into place, and there is a consensus in the scientific community that more restrictive manure spreading guidelines are essential in areas with sensitive topography. Permitting guidelines were originally written to target surface run-off, not filtering of manure into the groundwater

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\*\*\*Bringing the manure storage facility at Babcock up to current standards with sub liners and secondary liners and other safety measures outlined in La Crosse County's Animal Waste Management Ordinance. The holding ponds at Babcock were reportedly last updated 27 years ago to standards that are now obsolete. The design life of such ponds is 20 years.

\*\*\*Requiring strategically placed testing wells on all lands where manure spreading is implemented, particularly if the area has been identified as having sensitive topography. Moving up deadlines for groundwater monitoring and reporting during active irrigation events

\*\*\*Elimination of manure spreading on areas directly adjacent to the river. Prohibiting manure spreading when fields are frozen, overly saturated (soil test P of 100ppm or more), or when corrective action has not been performed on previously identified exceedances.

\*\*\*Requiring inclusion of an independent 3rd party review of any Nutrient Management Plan with any permit application.

\*\*\*Examination of current practices, such as overirrigation, or applying more manure than necessary when it's assumed that nitrogen will be lost in the process of spraying fields.

- \*\*\*Requiring inclusion of a mitigation plan with any permit application.

I am not anti-business, and as a former farm kid, I am not anti-agriculture. I am, however, passionate about protecting public health. I am concerned for the quality of the well water my family, my neighbors, my constituents and I are dependent on. If it's true that 90% of groundwater nitrate contamination is a result of agricultural activity, it is incumbent upon all of us to ensure that this activity is properly regulated, and safeguards are put in place to protect our precious, irreplaceable groundwater resource.

Permit No. WI-0056529-06-0 for Babcock Genetics, LLC needs further review and the DNR should set common sense guidelines to protect our health and our clean water legacy. I thank you in advance.

Sincerely, (Monica Kruse)



## Uvaas, Benjamin J - DNR

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**From:** Jennifer Rombalski <JRombalski@lacrossecounty.org>  
**Sent:** Friday, March 22, 2019 5:03 PM  
**To:** Uvaas, Benjamin J - DNR  
**Cc:** Drury, Carol; Sharon Hampson  
**Subject:** WPDES Permit - Written Testimony  
**Attachments:** WPDES Permit - Written Testimony - JR 032119.pdf  
  
**Categories:** Public Comments

Please see attached my written testimony for the WPDES Permit on Babcock Genetics, LLC.

### JEN ROMBALSKI, MPH, RN

Health Director

P: 608-785-6425 C: 608-386-1184

[jrombalski@lacrossecounty.org](mailto:jrombalski@lacrossecounty.org)



LA CROSSE COUNTY  
Health Department

Nationally Accredited

300 4<sup>th</sup> St N, 2<sup>nd</sup> Floor, La Crosse, WI 54601

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Administration

March 22, 2019

Department of Natural Resources  
ATTN: Ben Uvaas  
Oshkosh DNR Service Center  
625 E County Rd Y  
Oshkosh, WI 54901

RE: Written Testimony Relating to DNR Intent to Reissue Permit No. WI-0056529-06-0

Dear Mr. Uvaas:

As the Health Director for La Crosse County, I am responsible for assuring the conditions in which all residents of our county can be healthy.

Information received in 2016 and early 2017, to include nitrate test levels from the monitoring wells at Babcock Genetics, LLC., resulted in my issuing a public advisory to 2,000+ residents in the Holmen area, specifically the Towns of Holland and Onalaska. The advisory served to inform residents potentially affected by well water quality concerns. It also urged residents to test their well water to determine if their water contained high levels of nitrates and/or bacteria. Of the 542 well water tests conducted, 30.3% exceeded recommended levels of nitrates.

Most recently, per request, I received the latest results from the monitoring wells below Babcock Genetics, LLC. Of 36 total samples from April 2017 to November 2018, only 5 were under 10mcg/dL and 20 were over 20 mcg/dL. Given the recommended level for public health is less than 10 mcg/dL, these are concerning results and indicate groundwater contamination below the farm.

The Towns of Holland and Onalaska are home to 9,436 residents and contain 16,000 acres of agricultural land. Groundwater is the sole source of drinking water for these residents.

Based on information provided above, I respectfully request the Department of Natural Resources stop the contamination of groundwater. I recognize there are a variety of ways to do this and I ask the DNR to assure the health and safety of the public we all serve.

Sincerely,

Jen Rombalski, RN, MPH  
Health Director  
La Crosse County Health Department





3-25-2019

Dear Sir:

I would like to object to the re-issuance of the WPDES permit for Babcock Genetics in the Town of Holland. Babcock Genetics has a history of exceeding nitrate levels in their well tests. The DNR should require action on Babcock Genetics to take steps to address the nitrate issues on their factory farm. The location of their business in regards to local homeowners and the adjacent wildlife wetland should be a major concern in the granting of the permit.

Thank You,

David A Swanson

5940 Stanton Rd

Platteville, WI 53818





Administration

January 17, 2019

Department of Natural Resources  
ATTN: Ben Uvaas  
Oshkosh DNR Service Center  
625 E County Rd Y  
Oshkosh, WI 54901

RE: Intent to Reissue Permit No. WI-0056529-06-0

Dear Mr. Uvaas:

As the Health Director for La Crosse County, I am responsible for assuring the conditions in which all residents of our county can be healthy. Information received in 2016 and early 2017, to include nitrate test levels from the monitoring wells at Babcock Genetics, LLC., resulted in my issuing a public advisory to 2,000+ residents in the Holmen area, specifically the Towns of Holland and Onalaska. The advisory served to inform residents potentially affected by well water quality concerns. It also urged residents to test their well water to determine if their water contained high levels of nitrates and/or bacteria.

Of the 542 well water tests conducted, 30.3% exceeded recommended levels of nitrates. Additional details surrounding background to the public advisory notice and well water test results can be found in the report titled "Holmen Area Private Water – Event Summary" on our website: <http://www.co.la-crosse.wi.us/health/docs/Administration/Holmen%20Area%20Private%20Water%20-%20Event%20Summary.pdf>.

Following these nitrate findings in private wells, our department led the development of a Nitrate Task Force whose mission was to study the issue and develop recommendations. The resulting policy proposal is located on our website at: [http://www.co.la-crosse.wi.us/health/docs/Administration/HD%20Reports/2018 LaCrosse%20County nitrate report recommendations.pdf](http://www.co.la-crosse.wi.us/health/docs/Administration/HD%20Reports/2018%20LaCrosse%20County%20nitrate%20report%20recommendations.pdf).

The Towns of Holland and Onalaska are home to 9,436 residents and contain 16,000 acres of agricultural land. Babcock Genetics, LLC is located in the Town of Onalaska and the permit indicates it has 679 acres that are spreadable for the waste produced at its facility. According to Babcock Genetics' 2017 annual report, 10,000,000 gallons of liquid swine manure was spread over 327 acres on nearby Dummer Family Farms between June-August of 2017.

Based on information provided above and in reports referenced, I respectfully request a public hearing in relation to Permit No. WI-0056529-06-0 for Babcock Genetics LLC. The interest in this proposed permit aligns with high nitrate levels in water tests within the vicinity of Babcock Genetics. Issues proposed for consideration at the hearing could include:

- More restrictive manure spreading to fields with "sensitive area" topography;
- Eliminate or reduce spreading on fields that are directly adjacent or have a high potential to deliver nutrients and sediment to the river;



- Eliminate or reduce spreading on any fields with soil test P of 100 ppm or more;
- Include the Nutrient Management Plan as an appendix to the permit and require that it be reviewed by a third party;
- Identify corrective measures for previously known exceedances of nitrate Preventive Action Limits;
- General concern that while depth to bedrock seems to be adequate, the water table is close to the surface presenting risk of groundwater contamination; also, spray irrigation fields and production area appear adjacent to the river, potentially causing high nitrate levels in surface water;
- Complete a more thorough inspection of the manure storage facilities that were constructed prior to La Crosse County's Animal Waste Management Ordinance to assure compliance with design and construction standards;
- Move up deadlines for groundwater monitoring at spray irrigation fields.

Groundwater is the sole source of drinking water for the residents in the Towns of Holland and Onalaska and most private wells obtain water from an unconfined, shallow, sand-and-gravel aquifer which is 10-20 feet below the surface of the ground. The permeable soil and shallow water supply increase the vulnerability to contamination. In Wisconsin, 90% of the groundwater nitrate contamination is estimated to have originated from agriculture.

Thank you in advance for considering my request for a public hearing on Permit No. WI-0056529-06-0 for Babcock Genetics, LLC.

Sincerely,



Jen Rombalski, RN, MPH  
Health Director  
La Crosse County Health Department



11  
Mike Giese  
1067 Lauderdale N  
Onalaska, WI 54650  
608 317-5507

January 15, 2019

Mr. Ben Uvaas  
Department of Natural Resources  
Oshkosh DNR Service Center  
625 E County Rd Y  
Oshkosh, WI 54901

RE: Request for public informational hearing; Babcock Genetics Intent to Reissue WPDES Permit No. WI-0056529-06-0

Dear Mr. Uvaas:

Thank you for taking the time to talk with me today. I have received your email with attachments. The *"Compliance Inspection Summary Report Reissuance Status for Babcock Genetics"* that you attached was very helpful. *After I have reviewed additional source material, I am likely to again ask for your help and guidance,*

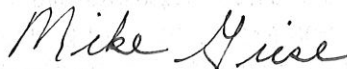
I request the Department schedule a public information hearing in consideration of the Reissuance of WPDES Permit No. WI-0056529-06-0 for Babcock Genetics. In my estimation there is in La Crosse County significant public interest to require a public hearing.

As the Vice Chair of the La Crosse Health Board I became aware that the nitrate levels measured in test wells for the Babcock Genetics hog confinement operation exceeded limits set by the state. This chronic violation of health standards going back to 2005 only became public through a report by the Legislative Audit Bureau. Making **public** nitrate test levels from the monitoring wells at Babcock Genetics, LLC., resulted in a public advisory to 2,000+ residents in the Towns of Holland and Onalaska. The advisory served to inform residents affected by well water quality concerns and urged all residents to test their well water to determine if their water contained high levels of nitrates and/or bacteria. Of the 542 well water tests conducted, 30.3% exceeded recommended levels of nitrates.

Based on information provided above and in public media reports in the area, I respectfully request a public hearing. Issues proposed to be considered at the hearing include the potential public health impact in reissuing the permit and the combined impact of all land use practices on the safety of private wells in the area.

Thank you in advance for considering my request for a public hearing on Permit No. WI-0056529-06-0 for Babcock Genetics, LLC.

Sincerely,



Mike Giese

La Crosse County Board, Supervisor Dist. 17







**SIERRA  
CLUB**

**Coulee Region Group**

2222 Hoeschler Drive  
La Crosse, WI 54601  
608 788-8831  
crsierraclub@gmail.com

January 20, 2019

Mr. Ben Uvaas  
Department of Natural Resources  
Oshkosh DNR Service Center  
625 E County Rd Y  
Oshkosh, WI 54901

RE: Babcock Genetics Intent to Reissue WPDES Permit No. WI-0056529-06-0

Dear Mr. Uvaas:

I'm writing on behalf of the Sierra Club, Coulee Region Group, I'm writing to request the Department not reissue WPDES Permit No. WI-0056529-06-0 for Babcock Genetics, or delay reissue until the problems are addressed that result in high nitrate levels in monitoring wells specified in the Babcock permit. The Coulee Region Group sponsored a public information session in October 2017 on the ongoing water quality issues in the Town of Holland and Brice Prairie, including high nitrate levels shown in well water testing. There was considerable public concern about water quality and health issues. This area is highly susceptible to groundwater contamination due to the sandy soil and short distance to the groundwater. Extra care needs to be taken in this area. The statutes on WPDES permits say the permit can be denied based on public health problems caused by the permittee. You should strongly consider this based on the known high levels of nitrates in the water, known health issues, and known geological susceptibility to groundwater contamination in this area.

Sincerely,

Patrick Wilson, Chair  
Coulee Region Group, Sierra Club



March 16, 2019

Ben Uvaas  
CAFO Compliance and Enforcement Coordinator  
Oshkosh DNR Service Center  
625 E. County Rd Y  
Suite 700  
Oshkosh, WI 54901

RE: Babcock Genetics, Permit # WI-0056529-06-0

Dear Mr Uvaas,

I am writing regarding the renewal permit for Babcock genetics Nutrient Management Plan.

I am in opposition to the renewal of this permit.

I believe that Babcock Genetics has not met the minimum standards as outlined in previous permits and has not been held accountable to remedy this noncompliance. I believe this poses risks to our local water supply, and to the health of all members of our community.

The role of the Wisconsin Department of Natural Resources is to protect our natural resources. I respectfully request this permit renewal not be allowed, at least until there is evidence that our natural resources can be protected from contamination from this facility.

Thank you.



Margaret Webster, MD  
W4825 Meyers Rd  
La Crosse, WI 54601

Cc: Ben Uvaas via email



David Ford & Melinda Knutson  
W7501 County Road ZB  
Onalaska, WI 54650  
Knutsford2934@gmail.com

January 23, 2019

Mr. Ben Uvaas  
Department of Natural Resources  
Oshkosh DNR Service Center  
625 E County Rd Y  
Oshkosh, WI 54901

RE: Request for public informational hearing; Babcock Genetics Intent to Reissue WPDES Permit No. WI-0056529-06-0

Dear Mr. Uvaas:

We are writing to request the Department schedule a public information hearing in consideration of the Reissuance of WPDES Permit No. WI-0056529-06-0 for Babcock Genetics. Dave was a citizen member of the La Crosse County Nitrate Task Force that made recommendations to La Crosse county regarding mitigation of nitrate pollution of drinking water. Our well water here on Brice Prairie exceeds state standards for nitrate and so we must drink bottled water. When our 70 foot well was drilled in 2013 the water was safe; by 2016 it exceeded standards. High nitrates are a pervasive problem across Brice Prairie, likely due to the sandy substrate that passes contaminants quickly. Some water samples from Brice Prairie are four times higher than state standards.

One of the possible sources of high nitrate levels in the area is Babcock Genetics, where test results for test wells have exceeded limits set by the state. We know that there is continuing public interest in the possible water quality issues associated with the Babcock Genetics operation and what is being done to minimize any effects to local landowners and residents.

Thank you for considering this request for a public hearing on Permit No. WI-0056529-06-0 for Babcock Genetics, LLC.

Sincerely,



David Ford and Melinda Knutson





W7937 County Road MH, Holmen, WI 54636  
Phone (608) 526-3354 • Fax (608) 526-6564  
[www.townofhollandwi.org](http://www.townofhollandwi.org)

January 21, 2019

Department of Natural Resources  
ATTN: Ben Uvaas  
Oshkosh DNR Service Center  
625 E County Rd Y  
Oshkosh, WI 54901

RE: Intent to Reissue Permit No. WI-0056529-06-0

Dear Mr. Uvaas:

As the Town Chair for the Town of Holland, I am responsible for assuring the conditions in which all residents of our town can be healthy. Our Town Board and its citizens are very concerned with the high level of nitrates and bacteria found in well tests.

Information received in 2016 and early 2017, to include nitrate test levels from the monitoring wells at Babcock Genetics, LLC., resulted in a public advisory to 2,000+ residents in the Towns of Holland and Onalaska. The advisory served to inform residents potentially affected by well water quality concerns and urged residents to test their well water to determine if their water contained high levels of nitrates and/or bacteria. Of the 542 well water tests conducted, 30.3% exceeded recommended levels of nitrates.

Following these nitrate findings in private wells, a Nitrate Task Force was formed to study the issue and develop recommendations. The resulting policy proposal is located on the La Crosse County website at: [http://www.co.la-crosse.wi.us/health/docs/Administration/HD%20Reports/2018 LaCrosse%20County nitrate report recommendations.pdf](http://www.co.la-crosse.wi.us/health/docs/Administration/HD%20Reports/2018%20LaCrosse%20County%20nitrate%20report%20recommendations.pdf).

The Towns of Holland and Onalaska are home to 9,436 residents and contain 16,000 acres of agricultural land. Babcock Genetics, LLC is located in the Town of Onalaska and the permit indicates it has 679 acres that are spreadable for the waste produced at its facility. According to Babcock Genetics' 2017 annual report, 10,000,000 gallons of liquid swine manure was spread over 327 acres on nearby Dummer Family Farms between June-August of 2017.

Based on information provided above and in reports referenced, I respectfully request a public hearing in relation to Permit No. WI-0056529-06-0 for Babcock Genetics LLC. The interest in this proposed permit aligns with high nitrate levels in water tests within the vicinity of Babcock Genetics. Issues proposed for consideration at the hearing could include:

- More restrictive manure spreading to fields with "sensitive area" topography;
- Eliminate or reduce spreading on fields that are directly adjacent or have a high potential to deliver nutrients and sediment to the river;
- Eliminate or reduce spreading on any fields with soil test P of 100 ppm or more;
- Include the Nutrient Management Plan as an appendix to the permit and require that it be reviewed by a third party;





- Identify corrective measures for previously known exceedances of nitrate Preventive Action Limits;
- General concern that while depth to bedrock seems to be adequate, the water table is close to the surface presenting risk of groundwater contamination; also, spray irrigation fields and production area appear adjacent to the river, potentially causing high nitrate levels in surface water;
- Complete a more thorough inspection of the manure storage facilities that were constructed prior to La Crosse County's Animal Waste Management Ordinance to assure compliance with design and construction standards;
- Move up deadlines for groundwater monitoring at spray irrigation fields.
- Generate more stringent ground water regulations from the DNR. The WPDES permitting process was created to satisfy EPA's regulations for CAFOs, which is heavily weighted on surface water contamination. The permit review process does not thoroughly examine the existing soil resources and the potential for groundwater contamination from an operation the magnitude of Babcock Genetics.

Groundwater is the sole source of drinking water for the residents in the Towns of Holland and Onalaska and most private wells obtain water from an unconfined, shallow, sand-and-gravel aquifer which is 10-20 feet below the surface of the ground. The permeable soil and shallow water supply increase the vulnerability to contamination. In Wisconsin, 90% of the groundwater nitrate contamination is estimated to have originated from agriculture.

Thank you in advance for considering my request for a public hearing on Permit No. WI-0056529-06-0 for Babcock Genetics, LLC.

Sincerely,



Steven Michaels  
Town Chair



January 21, 2019  
ATTN: Ben Uvass  
Oshkosh DNR Service Center  
625 E County Road Y  
Oshkosh, WI 54901

RE: Intent to reissue Permit No. WI-0056529-06-0

Dear Mr. Uvass,

I am a member of the La Crosse County Board and Chair of the Health and Human Services Committee. I am also a long-time environmentalist and a promoter of sustainability. In my capacity as a member of these boards and committees, I am responsible for, among other things, one of the most basic human needs: clean water. As a result of monitoring wells at Babcock Genetics, LLC, the County has had to send out an advisory to more than 2000 residents potentially affected by well water contamination and has urged them to have their well water tested for nitrates and bacteria. Of the 542 wells tested, more than 30% exceeded recommended safe amounts of nitrates.

Following these nitrate findings in private wells, a Nitrate Task Force was formed to study the issue and develop recommendations for citizens of La Crosse County. The towns of Holland and Onalaska are home to almost 10,000 residents and contain 16,000 acres of agricultural land. Babcock Genetics, LLC is located in the Town of Onalaska and the permit indicated it has 679 acres that are spreadable for the waste produced at the Babcock Facility. Babcock Genetics report in their annual report that 10,000,000 gallons of liquid swine manure was spread over 327 acres on nearby Dummer Family Farms between June and August, 2017.

Based on information provided above, I respectfully request a Public Hearing on Permit No. WI-0056529-06-0 for the Babcock facility. The interest in this proposed permit aligns with high nitrate levels in water tests within the vicinity of Babcock Genetics. Issues proposed for consideration at the hearing could include:

1. More restrictive manure spreading restrictions now apply in certain counties with karst topography. See Permit Section 1.6.3. Discuss with permittee and DNR possibility of extending some or all restrictions to fields with "sensitive area" topography.
2. Eliminate or reduce spreading on fields that are directly adjacent or have a high potential to deliver nutrients and sediment to Black River.
3. Eliminate or reduce spreading on any fields with soil test P of 100 ppm or more.
4. Include the Nutrient Management Plan as an appendix to the permit and require review by a third party.



5. General concern that while depth to bedrock seems to be adequate, the water table is close to the surface presenting risk of groundwater contamination.
6. Move up deadlines for groundwater monitoring at spray irrigation fields.

Ground water is the sole source of drinking water for the towns of Holland and Onalaska and most private wells obtain water from an unconfined, shallow, sand-and-gravel aquifer which is 10-20 feet below the ground surface. The permeable soil and shallow water supply increase the vulnerability to contamination.

One of the major things government can do for its citizens is guarantee clean air and water. In La Crosse County, we are making our best efforts to do just that. Thank you for considering my request for a public hearing on Permit No. WI-0056529-06-0.

Sincerely,



Sharon Hampson  
Chair, Health and Human Services Committee  
Member, La Crosse County Board of Supervisors  
2510 Cass St.  
La Crosse, Wisconsin



Rick Diermeier  
2301 Evenson Dr.  
Onalaska, WI 54650  
608 317-2964

January 24, 2019

Mr. Ben Uvaas  
Department of Natural Resources  
Oshkosh DNR Service Center  
625 E County Rd Y  
Oshkosh, WI 54901

RE: Request for public informational hearing; Babcock Genetics Intent to Reissue WPDES Permit No. WI-0056529-06-0

Dear Mr. Uvaas:

I am a member of the La Crosse County Sustainability Commission. As such and also as a private citizen, I am concerned about well contamination in the area northwest of the City of Onalaska. This area is in the town of Onalaska and is known locally as Brice Prairie.

I request the Department schedule a public information hearing in consideration of the Reissuance of WPDES Permit No. WI-0056529-06-0 for Babcock Genetics. In my estimation there is in La Crosse County significant public interest to require a public hearing.

As a member of the Sustainability Commission I became aware that the nitrate levels measured in test wells for the Babcock Genetics hog confinement operation exceeded limits set by the state. This chronic violation of health standards going back to 2005 only became public through a report by the Legislative Audit Bureau. Making **public** nitrate test levels from the monitoring wells at Babcock Genetics, LLC., resulted in a public advisory to 2,000+ residents in the Towns of Holland and Onalaska. The advisory served to inform residents affected by well water quality concerns and urged all residents to test their well water to determine if their water contained high levels of nitrates and/or bacteria. Of the 542 well water tests conducted, 30.3% exceeded recommended levels of nitrates.

Based on information provided above and in public media reports in the area, I respectfully request a public hearing. Issues proposed to be considered at the hearing include the potential public health impact in reissuing the permit and the combined impact of all land use practices on the safety of private wells in the area.

Thank you in advance for considering my request for a public hearing on Permit No. WI-0056529-06-0 for Babcock Genetics, LLC.

Sincerely,



Rick Diermeier





STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES  
PUBLIC NOTICE OF AVAILABILITY OF A NUTRIENT MANAGEMENT PLAN AND INTENT TO REISSUE  
A WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES) PERMIT No. WI-0056529-06-0

Permittee: Babcock Genetics LLC

Facility Where Discharge Occurs: Babcock Genetics LLC, N6671 County Road XX, Holmen, WI 54636

Receiving Water and Location: Surface water and groundwater within the Black River Watershed in La Crosse County

Brief Facility Description: Babcock Genetics LLC is an existing Concentrated Animal Feeding Operation (CAFO). It currently has 3,302 animal units (3,929 pigs <55lbs, 5424 pigs >55lbs, 1,325 sows, 418 boars). Babcock Genetics has a total of 680.67 acres available for land application of manure and process wastewater. Of this acreage, 165 acres are owned and 515.67 acres are rented or controlled through contracts, and 679 acres are spreadable. There are no planned operational changes during the next 5-year permit term. Permit construction schedules are proposed for additional groundwater monitoring and evaluation of permanent manure storage and transfer facilities.

The Department has tentatively decided that the above specified WPDES permit should be reissued.

Permit Drafter: Ben Uvaas, DNR, Oshkosh DNR Service Center, 625 E County Rd Y, Oshkosh, WI 54901, (920) 303-5433, Benjamin.uvaas@wisconsin.gov

Persons wishing to comment on or object to the proposed permit action, the terms of the nutrient management plan, or the application, or to request a public informational hearing may write to the Department of Natural Resources at the permit drafter's address. All comments or suggestions received no later than 30 days after the publication date of this public notice will be considered along with other information on file in making a final decision regarding the permit. Anyone providing comments in response to this public notice will receive a notification of the Department's final decision when the permit is re-issued. Where designated as a reviewable surface water discharge permit, the U.S. Environmental Protection Agency is allowed up to 90 days to submit comments or objections regarding this permit determination. If no comments are received on the proposed permit from anyone, including U.S. EPA, the permit will be re-issued as proposed.

The Department may schedule a public informational hearing if within 30 days of the public date of this notice, a request for a hearing is filed by any person. The Department shall schedule a public informational hearing if a petition requesting a hearing is received from USEPA or from 5 or more persons or if the Department determines there is significant public interest. Requests for a public informational hearing shall state the following: the name and address of the person(s) requesting the hearing; the interest in the proposed permit of the person(s) requesting the hearing; the reasons for the request; and the issues proposed to be considered at the hearing.

Information on file for this permit action, including the draft permit and fact sheet (if required), the operation's nutrient management plan and application may be inspected and copied at the permit drafter's office, Monday through Friday (except holidays), between 9:00 a.m. and 3:30 p.m. Please call the permit drafter for directions to their office location, if necessary. Information on this permit action may also be obtained by calling the permit drafter at (608) 275-3281 or by writing to the Department. Reasonable costs (15 cents per page for copies and 7 cents per page for scanning) will be charged for information in the file other than the public notice and fact sheet. Permit information is also available on the internet at: <http://dnr.wi.gov/topic/wastewater/PublicNotices.html>. Pursuant to the Americans with Disabilities Act, reasonable accommodation, including the provision of informational material in an alternative format, will be made to qualified individuals upon request.

PUBLISHING NEWSPAPER: Courier Life, 401 Third St. N, La Crosse, WI 54601  
Date Notice Issued: December 28, 2018



24 January 2019

Mr. Ben Uvaas  
WI Department of Natural Resources  
Ozark DNR Service Center  
625 E County Rd Y  
Ozark, WI 54901

Re: Request for public informational meeting concerning intent to reissue WPDDES Permit No. WI-0056529-06-0 to Babcock Genetics Inc.

Dear Mr. Uvaas,

I understand that the Wisconsin DNR has recommended reissuance of WPDDES Permit No. WI-0056529-06-0 to Babcock Genetics Inc. for pollutant discharge. This determination was made even though nitrate levels measured in test wells for the Babcock Genetics LLC CAFO have repeatedly exceeded state limits. I am concerned about the effect of pollutant discharge on the Black River system (including Brown's Marsh) and groundwater.

I request the Wisconsin DNR hold a public informational hearing on the WPDDES permit reissue before the permit is reissued, so that citizens can be provided information on the environmental risks associated with this pollutant discharge and learn what the plan is for decreasing nitrate levels in groundwater at the Babcock Genetics LLC CAFO.

Thank you for your consideration.

Kevin Keenan (Kevin P. Keenan, W7551 Cty Rd ZB, Onalaska, WI)



January 24, 2019

Department of Natural Resources

ATTN: Ben Uvaas

Oshkosh DNR Service Center

625 E County Road Y

Oshkosh, WI 54901

Re: Intent to Reissue Permit No. WI-0056529-06-0

Dear Mr. Uvaas:

I am writing to request a public hearing regarding the re-issuance of the above-referenced permit.

I am 1st Vice Chair of the La Crosse County Board, and until recently chaired the county's Health and Human Services Committee. It was during my tenure as chair that La Crosse County experienced a health advisory to inform residents of well water quality concerns. Specifically, a large number of wells (about a third of more than 500 tested in the northwest part of La Crosse County near Babcock Genetics, LLC., the permit applicant) had high levels of nitrates and/or bacteria. I was a founding member of the Nitrate Task Force. Incidentally, I also live in and represent the rural La Crosse County area in question.

I strongly urge you to grant a public hearing to discuss Permit No. WI-0056529-06-0 for Babcock Genetics LLC to provide an opportunity to discuss Babcock's role in precipitating the health advisory concerns along with other issues, including but not limited to:

\*\*\*More restrictive manure spreading guidelines for areas with sensitive topography

\*\*\*Elimination of manure spreading on areas directly adjacent to the river

\*\*\*Elimination of manure spreading on fields with soil test P of 100ppm or more

\*\*\*Appending the Nutrient Management Plan to the permit and requiring 3rd party

review

\*\*\*Requiring corrective action for previously identified exceedances by Babcock

\*\*\*General concerns regarding the susceptibility of this topography to groundwater



contamination

\*\*\*Bringing the outdated manure storage facilities at Babcock up to current standards as outlined in La Crosse County's Animal Waste Management Ordinance

\*\*\*Move up deadlines for groundwater monitoring at irrigation fields

I am concerned for the quality of the well water my family, my neighbors, my constituents and I are dependent on. Since it's estimated that 90% of groundwater nitrate contamination is a result of agricultural activity, it is incumbent upon all of us to ensure that this activity is properly regulated, and safeguards are put in place to protect our precious, irreplaceable groundwater resource.

I am hopeful that you will grant the requested public hearing regarding Permit No. WI-0056529-06-0 for Babcock Genetics, LLC, and thank you in advance.

Sincerely,

Monica Kruse

Monica J. Kruse  
25434 Circle Dr W  
Oshkosh, WI 54650





January 19, 2019

Department of Natural Resources  
ATTN: Ben Uvaas  
Oshkosh DNR Service Center  
625 E County Rd Y  
Oshkosh, WI 54901

RE: Intent to Reissue Permit No. WI-0056529-06-0

Dear Mr. Uvaas:

I live in the town of Holland, La Crosse County, Wisconsin. This letter is to request a public hearing on Permit No. WI-0056529-06-0 for Babcock Genetics, LLC. In light of the history of problematic groundwater quality, it seems a more than fair request. I have copied the La Crosse County issue list below.

Based on information provided above and in reports referenced, I respectfully request a public hearing in relation to Permit No. WI-0056529-06-0 for Babcock Genetics LLC. The interest in this proposed permit aligns with high nitrate levels in water tests within the vicinity of Babcock Genetics. Issues proposed for consideration at the hearing could include:

- More restrictive manure spreading to fields with "sensitive area" topography;
- Eliminate or reduce spreading on fields that are directly adjacent or have a high potential to deliver nutrients and sediment to the river;
- Eliminate or reduce spreading on any fields with soil test P of 100 ppm or more;
- Include the Nutrient Management Plan as an appendix to the permit and require that it be reviewed by a third party;
- Identify corrective measures for previously known exceedances of nitrate Preventive Action Limits;
- General concern that while depth to bedrock seems to be adequate, the water table is close to the surface presenting risk of groundwater contamination; also, spray irrigation fields and production area appear adjacent to the river, potentially causing high nitrate levels in surface water;
- Complete a more thorough inspection of the manure storage facilities that were constructed prior to La Crosse County's Animal Waste Management Ordinance to assure compliance with design and construction standards;
- Move up deadlines for groundwater monitoring at spray irrigation fields.

Groundwater is the sole source of drinking water for the residents in the Towns of Holland and Onalaska and most private wells obtain water from an unconfined, shallow, sand-and-gravel aquifer which is 10-20 feet below the surface of the ground. The permeable soil and shallow water supply increase the vulnerability to contamination. In Wisconsin, 90% of the groundwater nitrate contamination is estimated to have originated from agriculture.

Thank you in advance for considering my request for a public hearing on Permit No. WI-0056529-06-0 for Babcock Genetics, LLC.

Sincerely,



Kathryn Mayer  
Holland Resident  
W8257 Harmon St  
Holmen, WI 54636



Carolyn Mahlum-Jenkins  
2642 Hackberry La.  
La Crosse, WI 54601

January 19, 2019

Mr. Ben Uvaas  
Department of Natural Resources  
Oshkosh DNR Service Center  
625 E County Rd Y  
Oshkosh, WI 54901

RE: RE: Request for public informational hearing; Babcock Genetics Intent to  
Reissue WPDES Permit No. WI-0056529-06-0

Dear Mr. Uvaas,

I request the Department schedule a public information hearing in consideration of the Reissuance of WPDES Permit No. WI-0056529-06-0 for Babcock Genetics. There is significant public interest in La Crosse County regarding contaminated drinking water.

One of the issues facing our state, La Crosse County and specifically the towns of Onalaska and Holland is contaminated drinking water. Our community was alerted to this issue via the Wisconsin Legislative Audit Bureau report, which evaluated the Wisconsin Pollutant Discharge Elimination System (WPDES) program administered by the Wisconsin Department of Natural Resources (WDNR). The audit found circumstances where WDNR did not adequately monitor pollution data and did not take enforcement actions to protect surface and ground water. For the sake of these citizens, who were left defenseless, the DNR needs to be transparent and visible to the public, for the citizen's health is contingent on your efforts. The public's confidence needs to be assured and they need to be given the opportunity to know your agency has done everything under your power to protect their health. Citizens need to know, that this time, there is adequate permitting and adequate inspection of monitor wells/data.

Second, with the geological make up of this region (sand and gravel aquifer close to surface with no layer of bedrock to keep contaminants from leeching directly into ground water) and the more frequent water events of rain/flooding (Mississippi River and Black River- backing up) community members want to know inspection/assessment of monitoring wells is happening more frequently to meet the needs of this region.

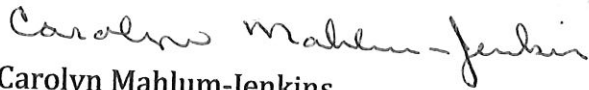
Third, the DNR has clear authority under existing state law to use objective, science-based standards to protect the health of people and our environment from pollution. Your assessment of the monitoring wells data, the permitting process and reporting

further health hazards to this group of individuals is critical. The private well owners, with contaminated wells, are reminded daily that they are living with four times the state average of nitrate-contamination of their private wells and that chronic nitrate exposure is not well understood. The community is eager to know what is happening at Babcock, to what level the contamination is and what has been done to help bring the issue under control.

Again, this is an opportunity for the DNR to publicly provide education regarding water contamination and to be available to the public so there is opportunity for Questions and Answers.

Thank you for your time and consideration. Provide a public hearing.

Sincerely,



Carolyn Mahlum-Jenkins  
Concerned Citizen



**SIERRA  
CLUB**

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## **Coulee Region Group**

January 20, 2019

Mr. Ben Uvaas  
Department of Natural Resources  
Oshkosh DNR Service Center  
625 E County Rd Y  
Oshkosh, WI 54901

RE: Request for public informational hearing; Babcock Genetics Intent to Reissue WPDES Permit No. WI-0056529-06-0

Dear Mr. Uvaas:

I'm writing to request the Department schedule a public information hearing in consideration of the Reissuance of WPDES Permit No. WI-0056529-06-0 for Babcock Genetics. I'm the Chair of the Sierra Club Coulee Region Group. The Coulee Region Group sponsored a public information session in October 2017 on the ongoing water quality issues in the Town of Holland and Brice Prairie, including high nitrate levels shown in well water testing. There was considerable public interest demonstrated about those issues at that meeting. One of the possible sources of high nitrate levels in the area is Babcock Genetics, where test results for test wells have exceeded limits set by the state. I'm sure there's continuing public interest in the possible water quality issues associated with the Babcock Genetics operation and what is being done to minimize any effects to local landowners and residents.

Thank you for considering this request for a public hearing on Permit No. WI-0056529-06-0 for Babcock Genetics, LLC.

Sincerely,

Patrick Wilson, Chair  
Coulee Region Group, Sierra Club

