Permit Fact Sheet

General Information

Permit Number	WI-0062022-05-0
Permittee Name	Elusive Hill Dairy LLC
Permitted Facility Name and Address	Elusive Hill Dairy LLC N7571 N. Meridian Avenue Spencer
Permit Term	April 01, 2025 to March 31, 2030
Discharge Location	Same as facility address
Receiving Water	An unnamed stream (WBIC 5014706) within the Upper Yellow (Wood Co.) River Watershed of the Central Wisconsin Basin, and groundwaters of the state
Discharge Type	Existing

Animal Units					
	Current AU		**Proposed AU** **(Note: If all zeroes, expansions are not expected during permit term)**		
Animal Type	**Mixed**	**Individual**	**Mixed**	**Individual**	**Date of Proposed Expansion**
Dairy Calves (under 400 lbs.)	62	0	60	0	04/01/2029
Milking and Dry Cows	1413	1443	3640	3718	04/01/2029
Heifers (400 lbs. to 800 lbs.)	185	308	180	300	04/01/2029
Heifers (800 lbs. to 1200 lbs.)	339	308	0	0	04/01/2029
Bulls (each)	1	1	0	0	04/01/2029
Total	2000	1443	3880	3718	

Facility Description

Elusive Hill Dairy LLC is an existing Concentrated Animal Feeding Operation (CAFO) located in the Township of Loyal and Township of Sherman, Clark County. Elusive Hill consists of two production sites: the Headquarters Facility located at N7491 Meridian Ave., Spencer, WI 54479; and the Young Stock facility located at N7572 Meridian Avenue, Spencer, WI 54479. The operation is owned and operated by Aron Luchterhand. The current herd size is 2,000 animal units (1,009 milking/dry cows, 616 heifers and 308 calves) with two expansions planned over the upcoming permit term resulting in a planned herd size of 3,880 animal units (2600 milking/dry cows, 300 heifers, and 300 calves). The expanded herd size is projected to produce approximately 32.3 million gallons of liquid manure/process wastewater and 3,550 tons of solid manure. Manure and process wastewater is stored in two liquid waste storage facilities. The total usable storage capacity is approximately 21.4 million gallons or 264 days of storage capacity for liquid manure and at least 59 days for solid manure after the expansion. Elusive Hill Dairy currently owns or rents 2,662.2 acres of cropland, of which 2,634.7 acres are available for manure applications. NMP approval is contingent upon the farm adding additional acreage to the NMP.

Substantial Compliance Determination

Enforcement During Last Permit:

1. None.

Compliance Documented During Last Permit:

- The facility submitted an updated Emergency Response Plan (August 27, 2020).
- The facility submitted an updated Monitoring and Inspection Plan (August 27, 2020).
- The facility submitted all Annual Reports required in CAFO permit schedule (January 31 deadline).
- The facility submitted all Annual NMP Updates required in CAFO permit schedule (March 31 deadline).
- The facility submitted a reissuance application required in CAFO permit schedule.
- Two production site inspections (March 15, 2022 and October 27, 2023) did not find CAFO permit violations.
- One manure application inspection (June 2, 2021) did not find CAFO permit violations.

Compliance determination made by Todd Prill on January 31, 2025.

Sample Point Designation For Animal Waste		
Sample Point Number	**Sample Point Location, Waste Type/Sample Contents and Treatment Description (as applicable)**	
001	Crosspit 1 (liquids) - Sample point 001 is for liquid manure from Crosspit 1 (WSF1). The facility is in the southern portion of the Headquarters Facility underneath Freestall Barn 1. It was constructed in 1998 in a rectangular shape with top dimensions of 640 square feet by 10 feet deep and an estimated maximum operating level (MOL) of 35,213 gallons (2019 calculation). The facility is an in-ground, vertical wall, cast in place concrete lined pit. It was built according to Plans and Specifications approved by the Clark County Land Conservation Department. The DNR agreed with an engineering evaluation on October 14, 2010, that determined the structure met NRCS 313 and NR 243 standards. This facility receives manure through slatted floors from animals housed in Freestall Barn 1 above the pit. It also accepts manure and process wastewater from the Milking Center. Liquids and solids are transferred to Crosspit 2 using above ground dragline hoses in a breezeway between the facilities. The facility is emptied as needed.	
002	Crosspit 2 (liquids) - Sample point 002 is for liquid manure from Crosspit 2 (WSF2). The facility is in the southern portion of the Headquarters Facility underneath Freestall Barn 2. It was constructed in 1995 in a rectangular shape with top dimensions of 960 square feet by 10 feet deep and an estimated maximum operating level (MOL) of 52,819 gallons (2019 calculation). The facility is an in-ground, vertical wall, cast in place concrete lined pit. It was built according to Plans and Specifications approved by the Clark County Land Conservation Department. The DNR agreed with an engineering evaluation on October 14, 2010, that determined the structure met NRCS 313 and NR 243 standards. This facility accepts manure through slatted floors from animals housed in Freestall Barn 2 above the pit and Crosspit 1. Liquids and solids are transferred to Reception Tank 3 using a 26-inch wide by 24-inch-deep pre-cast concrete auger channel designed by MSA Professional Services Inc. with plans and specifications approved by the DNR on August 2, 2024. The facility is emptied as needed.	

Sample Point Designation For Animal Waste		
Sample Point Number	**Sample Point Location, Waste Type/Sample Contents and Treatment Description (as applicable)**	
003	Crosspit 3 (liquids) - Sample point 003 is for liquid manure from Crosspit 3 (WSF3). The facility is in the southern portion of the Headquarters Facility underneath Freestall Barn 3. It was constructed in 2001 in a rectangular shape with top dimensions of 1,280 square feet by 10 feet deep and an estimated maximum operating level (MOL) of 70,426 gallons (2019 calculation). The facility is an in-ground, vertical wall, cast in place concrete lined pit. It was built according to Plans and Specifications approved by the Clark County Land Conservation Department. The DNR agreed with an engineering evaluation on October 14, 2010, that determined the structure met NRCS 313 and NR 243 standards. This facility accepts manure through slatted floors from animals housed in Freestall Barn 3 above the pit. Liquids and solids are transferred to Reception Tank 3 using a 26-inch wide by 24-inch-deep pre-cast concrete auger channel designed by MSA Professional Services Inc. with plans and specifications approved by the DNR on August 2, 2024. The facility is emptied as needed.	
005	Stage 1 Pit (liquids) - Sample point 005 is for liquid manure and process wastewater from the Stage 1 Pit (HP 1). The facility is in the western portion of the Headquarters Facility. It was constructed in 2012 in a rectangular shape with top dimensions of 170 feet wide by 190 feet long by 12 feet deep and an estimated maximum operating level (MOL) of 1,224,964 gallons (2024 calculation). The facility is an in-ground, earthen berm, cast-in-place concrete lined pit. The structure was designed by Rice Engineering with plans and specifications approved by the DNR on October 14, 2010. This storage facility currently receives process wastewater from a feed storage runoff collection system. A boat agitator is used to mix solids and liquids prior to emptying in the spring, summer, and fall.	
006	Stage 2 Pit (liquids) - Sample point 006 is for liquid manure and process wastewater from the Stage 2 Pit (HP 2). The facility is in the western portion of the Headquarters Facility. It was originally constructed in 2012 as an in-ground, earthen berm, HDPE lined pit. The structure was designed by Rice Engineering with plans and specifications approved by the DNR on October 14, 2010. The structure expanded in 2024 in a rectangular shape with top dimensions of 290 feet wide by 835 feet long by 16 feet deep and an estimated maximum operating level (MOL) of 19,975,717 gallons (2024 DNR calculation). The expanded facility is an in-ground, earthen berm, cast-in-place concrete lined pit. The structure was designed by MSA Professional Services Inc. with plans and specifications approved by the DNR on August 2, 2024. This storage facility receives manure and process wastewater from Reception Tank 1 (proposed), Reception Tank 2 (proposed), and Reception Tank 3. A boat agitator is used to mix solids and liquids prior to land applications in the spring, summer, and fall.	
007	Misc. Solid Manure (solids) – Sample point 007 is for miscellaneous waste solids directly land applied from the production area of the Headquarters Facility. This includes pen bed-pack and any settled waste solids directly land applied from liquid waste storage facilities. Representative samples shall be taken for each nutrient source type when land application occurs.	
008	Feed Storage Area - Sample point 008 is for visual monitoring and inspection of Feed Storage Area and associated runoff collection system. The facility is in the eastern portion of the Headquarters Facility. This structure was constructed at various times and stores haylage and corn silage in bunkers with precast concrete walls and 6-inch-thick concrete floor. The structure is “L” shaped with 66,800 total square feet (2019 calculation from as-built information). It is not known if this structure was built according to plans and specifications. The DNR has not requested an engineering evaluation for the Feed Storage Area. A runoff control system was designed by Rice Engineering with plans and specifications approved by the DNR on October 14, 2010. The system was constructed in 2012. Perforated tile and a drainage trench around the perimeter of the concrete floor collect leachate and feed pad runoff. Collected liquids gravity	

Sample Point Designation For Animal Waste		
Sample Point Number	**Sample Point Location, Waste Type/Sample Contents and Treatment Description (as applicable)**	
	flow to a precast concrete leachate collection tank (7 feet wide by 7 feet long by 8 feet deep) located north of the feed pad. Tiles lines outside the western and northern walls also flow into the tank. The "first flush" runoff (0.46 inch of precipitation or less using as-built information), estimated at 770,597 gallons (2019 calculation), is pumped through an underground 4-inch pipe to the Stage 1 Pit. Precipitation more than 0.46 inches spills out the collection tank and flows through two (2) 10-inch pipes to a PVC spreader pipe that distributes water across a 40 foot wide Vegetated Treatment Area (VTA) that is 262 feet long. The VTA also includes a gravel re-spreading berm across its width approximately 60 feet from the end.	
009	Calf Barns Solid Manure (solids) - Sample point 009 is for bed pack/solid manure from Calf Barn 1, Greenhouse Barn 1, and Greenhouse Barn 2 at the Young Stock Facility. This includes solids from the push off ramps and stacking pad.	
010	Calf Barn Pit (liquids) - Sample point 010 is for liquid manure from the Calf Barn Pit. The facility is at the Young Stock Facility. It was constructed in 2014 in a rectangular shape with dimensions of 10 feet wide by 15 feet long by 12 feet deep and an estimated MOL capacity of 13,000 gallons (2019 calculation). The facility is an in-ground, vertical wall, pre-cast concrete lined pit. The structure was designed by Tiry Engineering with plans and specifications approved by the DNR on September 19, 2014. This storage facility receives liquids from Calf Barn 1. An underground gravity flow transfer pipe delivers liquids from the barn to the pit. The pit is emptied weekly into a semi tanker that is emptied into the Stage 1 Pit or Stage 2 Pit at the Headquarters Facility.	
011	Anaerobic Digester (liquids) – – Sample point 011 addresses all digested liquids and solids located within the proposed digester cells. This facility is planned for construction in 2030 in the northern portion of the Headquarters Facility. Liquid manure will be supplied to the digestor through transfer pipes from Reception Tank 1 (proposed), Reception Tank 2 (proposed), and Reception Tank 3. Materials leaving the digestor will be pumped to the Stage 2 Pit through underground transfer pipes. Sampling from within the digester cell(s) for nutrient content is only required if liquids or solids are to be removed from the cell(s) and directly land applied. Plans and specifications for the digesters will need to be submitted prior to construction & approved by the Department of Natural Resources to meet permit requirements.	

1 Livestock Operations - Proposed Operation and Management

Production Area Discharge Limitations

Beginning on the effective date of the permit, the permittee may not discharge pollutants from the operation's production area (e.g., manure storage areas, outdoor animal lots, composting and leachate containment systems, milking center wastewater treatment/containment systems, raw material storage areas) to navigable waters, except in the event a 25-year, 24-hour rainfall event (or greater) causes the discharge from a structure which is properly designed and maintained to contain a 25-year, 24-hour rainfall event for this location as determined under s. NR 243.04. If an allowable discharge occurs from the production area, state water quality standards may not be exceeded.

Runoff Control

The permit requires control of contaminated runoff from all elements of the production area to prevent a discharge of pollutants to navigable waters in accordance with the Production Area Discharge Limitations and to comply with surface water quality standards and groundwater standards. Beginning on the effective date of this permit, (if needed) interim measures shall be implemented to prevent discharges of pollutants to navigable waters. In addition, permanent runoff control system(s) shall be designed, operated, and maintained in accordance with the requirements found in USDA

Natural Resources Conservation Service standards and ch. NR 243, Wis. Adm. Code. If any upgrading or modifications to runoff controls are necessary, formal engineering plans and specifications must submitted to the Department for approval.

Manure and Process Wastewater Storage

The permit requires the operation to have adequate storage for manure and process wastewater and that storage or containment facilities are designed, operated, and maintained to prevent overflows and discharges to waters of the state. To prevent overflows, the permittee must maintain levels of materials in liquid storage or containment facilities at or below certain levels including a one-foot margin of safety that can never be exceeded. If any upgrading or modifications to the storage facilities are necessary, formal engineering plans and specifications must submit to the Department for approval.

The permittee currently has approximately 529 days of storage for liquid manure based on 2,000 animal units. At the end of the permit, the permittee will have approximately 264 days of storage for liquid manure based on 3,880 animal units. The permittee must maintain 180 days of storage, unless temporary reductions in required storage are approved by the Department.

Ancillary Service and Storage Areas

The permittee shall take preventative maintenance actions and conduct visual inspections to minimize pollutant discharges from areas of the operation that are not part of the production area or land application areas. These areas are called ancillary service and storage areas and include access roads, shipping and receiving areas, maintenance areas, refuse piles and CAFO outdoor vegetated areas.

Nutrient Management

With 3,880 animal units from dairy animals (2600 milking/dry cows, 300 heifers, and 300 calves), it is estimated that approximately 32,331,492 gallons of manure and process wastewater will be produced per year. The permittee currently has 2,662.2 acres (1,342.5 owned and 1,319.7 controlled through contracts, rental agreements, leases, or are under manure agreements) in the NMP, of which 2,634.7 acres are available for spreading after various restricted areas have been accounted for. NMP approval is contingent upon the farm adding additional acreage to the NMP. The permit requires all landspreading of manure and process wastewater be completed in accordance with an approved nutrient management plan. The permit will require sampling and analysis of manure and process wastewater that will be landspread. Landspreading rates must be adjusted based on sample analysis. The permit requires the permittee to maintain a daily log that documents landspreading activities. The permit also requires the submittal of an annual report that summarizes all landspreading activities. Plans must be updated annually to reflect cropping plans and other operational changes. Among the requirements, the plans must include detailed landspreading information including field by field nutrient budgets.

The permittee is required to implement a number or practices to address potential water quality impacts associated with the land application of manure and process wastewater. Among the permit conditions are restrictions on manure ponding, restrictions on runoff of manure and process wastewater from cropped fields, and setbacks from wells and direct conduits to groundwater (e.g., sinkholes, fractured bedrock at the surface). In addition, the permittee must implement a phosphorus based nutrient management plan that addresses phosphorus delivery to surface waters by basing manure and process wastewater applications on soil test phosphorus levels or the Wisconsin Phosphorus index. Additional phosphorus application restrictions apply to fields that are high in soil test phosphorus (>100 ppm).

The permitee must also implement conservation practices when applying manure near navigable waters and their conduits, referred to as the Surface Water Quality Management Area (SWQMA). These practices include a 100-foot setback from navigable waters and their conduits, a 35-foot vegetated buffer adjacent to the navigable water or conduit, or a practice that provides equivalent pollutant reductions equivalent to or better than the 100-foot setback.

In addition, the permittee must comply with restrictions on land application of manure and process wastewater on frozen or snow-covered ground. Included in these restrictions is a prohibition on surface applications of solid manure (≥12% solids) on frozen or snow-covered ground during February and March.

Monitoring and Sampling Requirements

The permittee must submit a monitoring and inspection program that outlines how the permittee will conduct self-inspections to determine compliance with permit conditions. These self-inspections include visual inspections of water lines, diversion devices, storage and containment structures and other parts of the production area. The permit requires periodic inspections and calibrations of landspreading equipment. The permittee must take corrective actions to problems identified inspections or otherwise notify the Department. Samples of manure, process wastewater and soils receiving land applied materials from the operation must also be collected and analyzed.

Sampling Points

The permit identifies the different sources of land applied materials (e.g., manure storage facilities, milking centers, egg-washing facilities) as "Sampling Points." For these Sampling Points, the permittee is required to sample and analyze the different sources for nutrients and other parameters which serve as the basis for determining rates of application for these materials. Other areas are also identified as Sampling Points as a means of identifying them as areas requiring action by the permittee, such as an upgrade or evaluation of a certain system or structure (e.g., runoff control systems), even though sampling is not actually required.

1.1 Sample Point Number: 001- Crosspit 1 (liquids); 002- Crosspit 2 (liquids); 003- Crosspit 3 (liquids); 005- Stage 1 Pit (liquids); 006- Stage 2 Pit (liquids); 010- Calf Barn Pit (liquids), and 011- Anaerobic Digester (liquids)

Monitoring Requirements and Limitations					
Parameter	**Limit Type**	**Limit and Units**	**Sample Frequency**	**Sample Type**	**Notes**
Nitrogen, Total		lb/1000gal	2/Month	Grab	
Nitrogen, Available		lb/1000gal	2/Month	Calculated	
Phosphorus, Total		lb/1000gal	2/Month	Grab	
Phosphorus, Available		lb/1000gal	2/Month	Calculated	
Solids, Total		Percent	2/Month	Grab	

1.1.1 Changes from Previous Permit

- Sample point language was updated to describe existing facilities more accurately (Sample Points 001, 002, 003, 005, 006, and 010).
- Sample point 011 was changed from a practice no longer used (manure stacking sites) to the construction of a new anaerobic digester.

1.2 Sample Point Number: 007- Misc. Solid Manure (solids) and 009- Calf Barns Solid Manure

Monitoring Requirements and Limitations					
Parameter	**Limit Type**	**Limit and Units**	**Sample Frequency**	**Sample Type**	**Notes**
Nitrogen, Total		lbs/ton	Quarterly	Grab	
Nitrogen, Available		lbs/ton	Quarterly	Calculated	
Phosphorus, Total		lbs/ton	Quarterly	Grab	
Phosphorus, Available		lbs/ton	Quarterly	Calculated	
Solids, Total		Percent	Quarterly	Grab	

1.2.1 Changes from Previous Permit

- Sample point language was updated to describe existing facilities more accurately (Sample Points 007 and 009).

1.3 Sample Point Number: 008- Feed Storage Area

1.3.1 Changes from Previous Permit

- Sample point language was updated to describe existing facilities more accurately (Sample Points 008).

2 Schedules

2.1 Emergency Response Plan

Required Action	Due Date
Develop Emergency Response Plan: Update a written Emergency Response Plan within 60 days of permit coverage.	05/31/2025

2.2 Monitoring & Inspection Program

Use of the department's monitoring and inspection program template is encouraged, but optional.

Required Action	Due Date
Proposed Monitoring and Inspection Program: Consistent with the Monitoring and Sampling Requirements subsection, the permittee shall update and submit a proposed monitoring and inspection program within 60 days of the effective date of this permit.	05/31/2025

2.3 Annual Reports

Submit Annual Reports by January 31st of each year in accordance with the Annual Reports subsection in Standard Requirements.

Required Action	Due Date
Submit Annual Report #1: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2026
Submit Annual Report #2: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2027
Submit Annual Report #3: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2028
Submit Annual Report #4: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2029
Submit Annual Report #5: To include monitoring and inspection results from the previous 12 months, consistent with the requirements of department form 3400-025E.	01/31/2030
Ongoing Annual Reports: Continue to submit Annual Reports until permit reissuance has been completed.	

2.4 Nutrient Management Plan

Submit annual nutrient management plan (NMP) updates by March 31 of each year. Note, in addition to annual NMP updates, submit NMP amendments and substantial revisions to the department for written approval prior to implementation of any changes to the NMP.

Required Action	Due Date
Management Plan Annual Update #1: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2026
Management Plan Annual Update #2: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2027
Management Plan Annual Update #3: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2028

Management Plan Annual Update #4: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2029
Management Plan Annual Update #5: To include actual cropping, tillage, and nutrient application data from the previous calendar or crop year, consistent with the requirements of department for 3400-025D.	03/31/2030
Ongoing Management Plan Annual Updates: Continue to submit Annual Updates to the Nutrient Management Plan until permit reissuance has been completed.	

2.5 Runoff Control System - Installation

Upgrade to existing Feed Storage Area system and expansion to include new feed pad addition.

Required Action	Due Date
Plans and Specifications: Submit plans and specifications for a permanent feed pad runoff control system for Department review and approval in accordance with Chapter 281.41, Wis. Stats., and Chapter NR 243, Wis. Adm. Code. See Standard Requirements for plan content information.	04/30/2025
Complete Installation: Complete construction of runoff control system. System shall be functional and in operation by the specified Date Due. Post construction documentation shall be submitted within 6 months of completion of the project.	11/30/2026

2.6 Submit Permit Reissuance Application

Required Action	Due Date
Reissuance Application: Submit a complete permit reissuance application 180 days prior to permit expiration.	09/30/2029

2.7 Explanation of Schedules

The schedules contained in 2.1, 2.2, 2.3, 2.4, and 2.6 are standard permit schedules.

Attachments

Sample Point Map (November 2024)

Nutrient Management Plan Approval Letter (January 29, 2025)

Days of Storage Approval Letter (

Prepared By: Todd Prill Agricultural Runoff Management Specialist

Date: January 31, 2025

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-0062022-05-0

Permittee: Elusive Hill Dairy LLC, N7571 Meridian Ave., Spencer, WI, 54479

Facility Where Discharge Occurs: Elusive Hill Dairy LLC, N7571 N. Meridian Avenue Spencer

Receiving Water And Location: Unnamed stream (WBIC 5014706) within the Upper Yellow (Wood Co.) River Watershed of the Central Wisconsin Basin, and groundwaters of the state.

Brief Facility Description : Elusive Hill Dairy LLC is an existing Concentrated Animal Feeding Operation (CAFO) located in the Township of Loyal and Township of Sherman, Clark County. Elusive Hill consists of two production sites: the Headquarters Facility located at N7491 Meridian Ave., Spencer, WI 54479; and the Young Stock facility located at N7572 Meridian Avenue, Spencer, WI 54479. The operation is owned and operated by Aron Luchterhand. The current herd size is 2,000 animal units (1,009 milking/dry cows, 616 heifers and 308 calves) with two expansions planned over the upcoming permit term resulting in a planned herd size of 3,880 animal units (2600 milking/dry cows, 300 heifers, and 300 calves). The expanded herd size is projected to produce approximately 32.3 million gallons of liquid manure/process wastewater and 3,550 tons of solid manure. Manure and process wastewater is stored in two liquid waste storage facilities. The total usable storage capacity is approximately 21.4 million gallons or 264 days of storage capacity for liquid manure and at least 59 days for solid manure after the expansion. Elusive Hill Dairy currently owns or rents 2,662.2 acres of cropland, of which 2,634.7 acres are available for manure applications. NMP approval is contingent upon the farm adding additional acreage to the NMP.

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

Permit Drafter's Name, Address, Phone and Email: Todd Prill, DNR, 1300 W Clairemont Ave, Eau Claire, WI, 54701, (715) 214-8576, Todd.Prill@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.

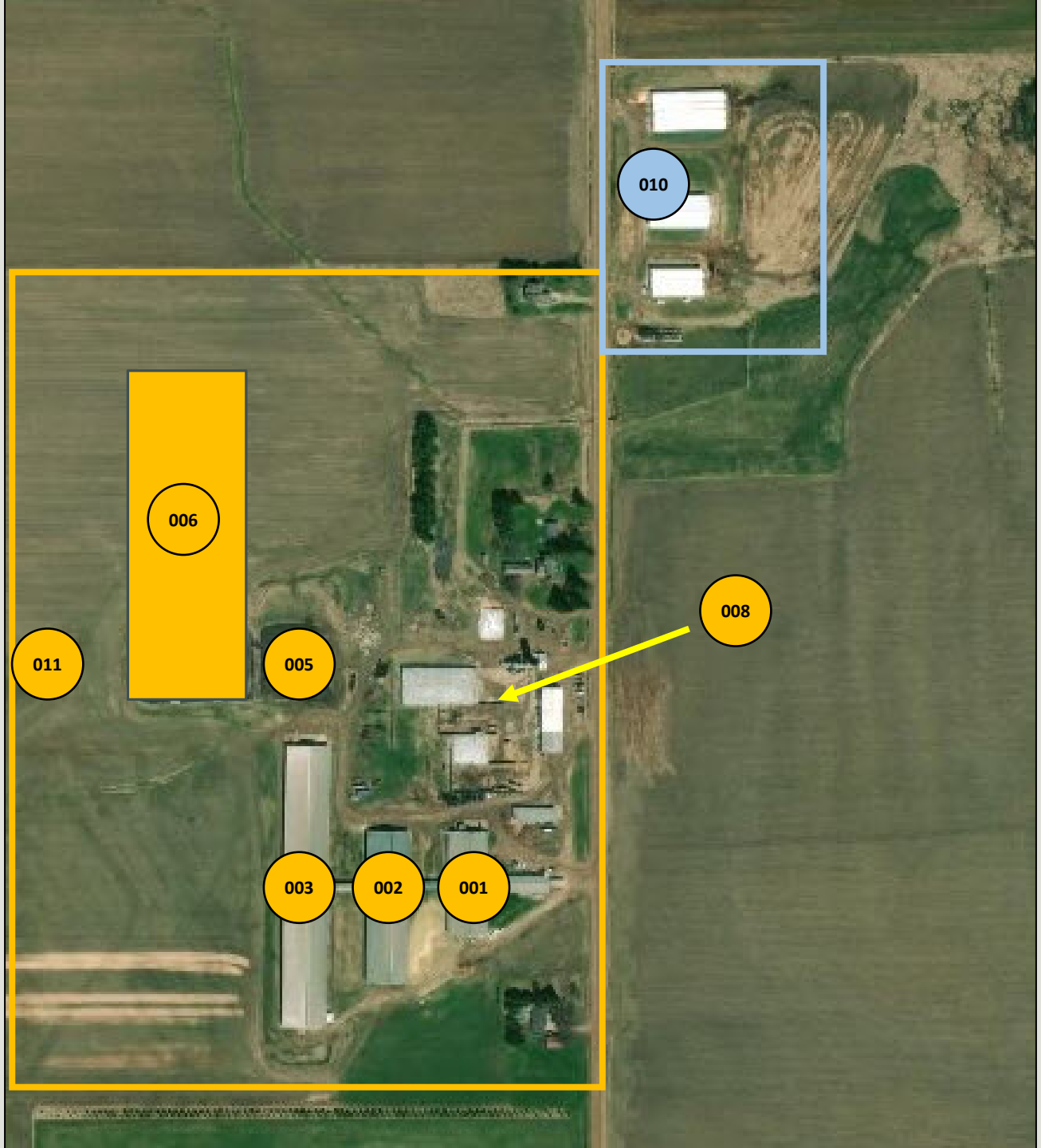
Information on file for this permit action, including the draft permit and fact sheet (if required), the operation's nutrient management plan and application may be inspected and copied at the permit drafter's office, Monday through Friday (except holidays), between 9:00 a.m. and 3:30 p.m. Please call 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 (715) 214-8576 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.

NAME OF PUBLISHING NEWSPAPER:**Enter Name of Publishing Newspaper**

ADDRESS OF PUBLISHING NEWSPAPER: **Enter Address of Publishing Newspaper**

Date Notice Issued: **Enter Date Notice Issued**

Elusive Hill Dairy LLC
Sample Points



Sample Points – Headquarters Facility

- 001 Crosspit 1
- 002 Crosspit 2
- 003 Crosspit 3
- 005 Stage 1 Pit
- 006 Stage 2 Pit
- 007 Misc. Solid Manure
- 008 Feed Storage 1
- 011 Anaerobic Digester

Sample Points – Young Stock Facility

- 009 Calf Barns Solid Manure
- 010 Calf Barn Pit

Aerial Photo Source: ArcGIS World Imagery Dec. 26, 2019

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster St., PO Box 7921
Madison, WI 53707

Tony Evers, Governor
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711

January 29th, 2025

Clark County
Approval

Aron Luchterhand
Elusive Hill Dairy, LLC
N7571 Meridian Ave
Spencer, WI 54479

SUBJECT: Conditional Approval of Elusive Hill Dairy, LLC Nutrient Management Plan, WPDES Permit No. 0062022-05-0

Dear Aaron Luchterhand:

After completing a review of Elusive Hill Dairy, LLC 2025-2029 Nutrient Management Plan (NMP) the Wisconsin Department of Natural Resources (Department) is providing conditional approval that it is consistent with Nutrient Management Requirements in s. NR 243, Wis. Adm. Code. This part of your WPDES permit application is now ready for the public notice and comment process as required by Ch. 283 Stats.

Before applying manure onto approved fields each season, the Department recommends Elusive Hill Dairy, LLC review the NMP with those individuals involved with manure applications to ensure all remain familiar with the approved manure spreading protocol, spreading maps, field and map verification, record keeping requirements, and all the conditions of this approval.

FINDINGS OF FACT

The Department confirms that:

1. A current dairy herd size of 2,000 animal units (1,009 milking & dry cows, 616 heifers, and 308 calves). Phase I of expansion will result in a planned herd size of 3,110 animal units (2,050 milking & dry cows, 300 heifers, and 300 calves) by end of 2025. Phase II of expansion will result in a planned herd size of 3,880 animal units (2,600 milking & dry cows, 300 heifers, and 300 calves) by 2029.

2. Manure generation and spreading records indicate your herd currently generates approximately 14,750,344 gallons of manure and process wastewater and 4,170 tons of solid manure. In Phase I of the expansion in 2025, the herd is projected to generate approximately 25,891,076 gallons of manure and process wastewater and 3,550 tons of solid manure. In Phase II of the expansion in 2029, the herd is projected to generate approximately 32,331,492 gallons of manure and process wastewater and 3,550 tons of solid manure.

3. The use of application restriction options 1 and 5 within surface water quality management areas.

4. The use of phosphorus delivery method P Index.

5. That Elusive Hill Dairy, LLC currently has 2,662.2 acres (1,342.5 owned and 1,319.7 controlled through contracts, rental agreements or leases, or under manure agreements) of which 2,634.7 are spreadable acres.

6. That all fields will be checked for the following features prior to/during manure or process wastewater applications: soil areas with possible shallow groundwater (i.e., within 24 inches of surface) at the time of manure application; required setbacks associated with wells, navigable waters, conduits to navigable waters, grassed waterways, wetlands, possible soil erosion/flow channels.

7. That surface applications of manure will not be completed when precipitation capable of producing runoff is forecasted within 24 hours of the time of planned application.

CONDITIONAL NUTRIENT MANAGEMENT PLAN APPROVAL

The Department hereby approves the 2025-2029 Elusive Hill Dairy, LLC Nutrient Management Plan subject to the following conditions and the applicable requirements of Ch. NR 243, Wis. Adm. Code:

FIELD AND MANURE MANAGEMENT

1. Fields not included in the NMP and new fields shall not receive manure or process wastewater applications until they have been properly soil sampled, entered into Snap Plus, evaluated for their nutrient needs, and approved by the Department.

2. The following fields have also been approved to receive industrial, municipal, or septage waste:

Field Name	Other Permittee Name	Other Permittee Field Name	DNR #
JW_03	Land O' Lakes- Spencer	JW-3	120422
JW_03	Land O' Lakes- Spencer	EB-2	120423
JW_04	Land O' Lakes- Spencer	EB-2	120423
JW_02	Land O' Lakes- Spencer	JW-1	43945
JW_03	Land O' Lakes- Spencer	EB-1	30413
JW_03	Land O' Lakes- Spencer	JW-2	43946
JW_04	Land O' Lakes- Spencer	JW-3	120422
JW_PAST	Land O' Lakes- Spencer	JW-2	43946

Prior to any manure applications on these fields Elusive Hill Dairy, LLC shall contact the entities listed above to obtain recent spreading records and make the necessary adjustments to the planned manure application rates. At the end of each year Elusive Hill Dairy, LLC shall contact each entity listed above to obtain spreading records from the previous year so that they can be properly tracked in the NMP. Please Note: Elusive Hill Dairy, LLC is responsible for obtaining nutrient content values for all other wastes spread on any field in their NMP.

3. If existing fields yield a soil test results equal to or greater than 200 ppm P, those fields would be prohibited from receiving manure or process wastewater applications, unless you obtain Department approval in accordance with NR 243.14(5)(b)2., Wis. Adm. Code.

4. All liquid manure samples collected may be analyzed, at a minimum, for percent dry matter, total nitrogen, percent NH_4-N, percent NO_3-N, phosphorus, potassium, and sulfur.

5. If manure sample results have a dry matter (DM) content less than 2.0% and the percent ammonium (NH_4^+) is greater than 75% of the total N, Elusive Hill Dairy, LLC may use the following equation to adjust the first year available nitrogen when applications are injected or incorporated within 1 hour:

$$\text{First-Year Available N} = NH_4\text{-N} + [0.25 \times (\text{Total N} - NH_4\text{-N})]$$

6. Elusive Hill Dairy, LLC shall record daily manure applications by using form 3200-123A. These forms shall be retained at the farm and provided to the department upon request.

7. Elusive Hill Dairy, LLC shall annually submit a spreading report that summarizes the land application activities listed under NR 243.19(3)(c)5., Wis. Adm. Code by using 'CAFO Annual Spreading Reports' generated by Snap Plus.

WINTER SPREADING

8. Liquid manure applications during winter conditions, as defined by NR 243.14(7), Wis. Adm. Code, are prohibited with the exception of emergency applications.

9. The following field(s) are approved for winter spreading solid manure, emergency applications of liquid manure and frozen liquid manure:
   - SP_01
   - BE_02
   - BE_01
   - HF_04
   - HF_08 09
   - JW_05

10. Winter spreading of solid and liquid manure may not occur during the "high risk runoff period" pursuant to s. NR 243.14(6)(c) and NR 243.14(7)(c), respectively.

11. Winter applications of liquid manure shall only occur under emergency situations, after notifying the Department and receiving verbal approval.

12. Liquid applications shall be limited to 3,500 gallons per acre or 30 lbs. P per acre, whichever is less, on slopes 2-6% and 7,000 gallons per acre or 60 lbs. P per acre, whichever is less, on slopes 0-2%. Winter applications of solid manure shall be limited to 60 lbs. P per acre.

HEADLAND STACKING

13. No headland stacking sites are approved.

MANURE & PROCESS WASTEWATER IRRIGATION

14. Irrigation of manure or process wastewater is prohibited.

SUBMITAL AND RECORDKEEPING REQUIREMENTS

15. A copy of this conditional approval shall be included in all future annual Nutrient Management Plan Updates in addition to the NR 243 and NRCS 590 checklists.
16. Manure sampling is required to be completed at the following intervals to meet permit requirements:
    - One quarterly sample per solid manure source when hauling takes place.
    - Two liquid samples per month for each source when hauling takes place.
17. Elusive Hill Dairy, LLC does not have adequate acres to land apply all manure and process wastewater at the proposed animal units in calendar year 2029. Prior to expansion of the projected numbers, the farm must add additional acreage to the NMP.

This conditional approval does not limit the Department's regulatory authority to require NMP revisions (based upon new information or manure irrigation research findings) or request additional information in order to confirm or ensure your farm operation remains in compliance with NR 243 and your WPDES permit conditions.

If additional information, project changes or other circumstances indicate a possible need to modify this approval, the Department may ask you to provide further information relating to this activity.

Please keep in mind that approval by the Department of Natural Resources – Runoff Management Program does not relieve you of obligations to meet all other applicable federal, state or locate permits, zoning and regulatory requirements.

If you have any questions regarding this approval, I can be reached at 608-212-8460 or Ashley.Scheel@Wisconsin.gov.

Sincerely,

Ashley Scheel, CCA
WDNR Nutrient Management Plan Reviewer
Wisconsin Department of Natural Resources

cc: Todd Prill, WDNR Agricultural Runoff Specialist (Todd.Prill@Wisconsin.gov)
Brad Johnson, WDNR Watershed Field Supervisor (Bradleya.Johnson@Wisconsin.gov)
Christopher Clayton, WDNR Runoff Management Section Chief (Christopherr.Clayton@Wisconsin.gov)
Aaron O'Rourke, WDNR Nutrient Management Program Coordinator (Aaron.Orourke@Wisconsin.gov)
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File

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February 6, 2025

FILE REF: R-2024-0248
WPDES Permit #: WI-0062022

Aron Luchterhand
Elusive Hill Dairy
N7571 Meridian Avenue
Spencer, WI 54479

Subject: Days of Storage Review for Elusive Hill Dairy in T26N, R01W, Section 36, Loyal Township, Clark County – NO ADDITIONAL ACTION REQUIRED

Dear Mr. Luchterhand:

This letter is to inform you that the Wisconsin Department of Natural Resources (Department) has completed its review of the calculation of days of storage submitted under certification by Jenise Anderson, P.E., MSA Professional Services on September 6, 2024 with revisions received November 8, 2024 and on January 6, 2025 on behalf of Elusive Hill Dairy.

The Department reviewed the submitted calculations in accordance with ss. NR 243.14(9) and NR 243.15(3)(i) to (k), Wis. Adm. Code. Under s. NR 243.17(3)(c), Wis. Adm. Code, the permittee shall demonstrate compliance with the 180-day design storage capacity requirement at specified times. For the following liquid manure storage calculations, the Department has determined **no additional actions** on your part are required.

Days of Available Liquid Waste Storage:

The farm is proposing two expansions within the upcoming 5-year permit term. The first expansion is proposed to begin soon and the second expansion is proposed for near the end of the permit term. The second expansion is contingent upon adding sufficient land base that is needed for the increase in manure volume.

EXISTING CONDITION

Elusive Hill Dairy currently has 572 days of liquid waste storage based on the volumes listed in the table below with respect to s. NR 243.15(3)(i) to (k), Wis. Adm. Code. The current number of animal units provided for the calculation is 2,000 with 1,413 animal units contributing to the liquid waste volume and the remainder being handled as solid manure. The liquid waste volumes are based on the NRCS spreadsheet and other estimated or calculated values and based upon a collection period of 365 days. Currently there is a first flush collection system for the feed storage area that is pumped to the existing eastern WSF. The eastern WSF will remain for process wastewater collection and is therefore not included in the storage calculations. Full collection of the 25-yr, 24-hr storm event for the feed storage area is anticipated to be constructed in 2025. Because of the upcoming construction of a feed pad expansion and additional process wastewater storage, the volume for full collection of leachate and contaminated runoff was provided. The total liquid waste volume to be accounted for in the NMP is 14,750,344 gallons (12,741,501 manure + 2,008,843 PWW). The total volume of 14,750,344 gallons includes PWW from the feed storage area of 2,008,843 gallons which is the volume expected from a full collection system. PWW volumes collected before construction of the system will be less.

Existing Conditions (2,000 AU) – 572 Days of Storage

Total Annual Liquid Waste Volume (NRCS Table Values)	
Liquids Collected/Stored	**Annual Gallons**

Manure and Bedding:	7,062,284
Parlor Wastewater:	2,360,747
Total Feed Storage Leachate:	0
Total Feed Storage Runoff Collected:	0
Net Precipitation on Storage Surfaces:	3,318,470
Total Liquid Waste Stored Below the MOL:	**12,741,501**

Total Liquid Waste Storage Capacity (Gallons)						
Waste Storage	Total Volume from Top to Bottom	-Remaining Solids	-25-yr, 24-hr Precipitation on Storage	-25-yr, 24-hr Collected Runoff	-Freeboard Volume	Max. Operating Level (MOL) Volume
West WSF	23,691,115	1,195,635	740,923	0	1,778,841	19,975,716
					Total MOL Volume:	19,975,716

PROPOSED PHASE 1 EXPANSION

The submitted information states that Elusive Hill Dairy will have 325 days of liquid waste storage based on the volumes listed in the table below with respect to s. NR 243.15(3)(i) to (k), Wis. Adm. Code. This assumes that manure is stored separately from PWW, which is the planned operation after construction of the proposed process wastewater storage facility. The proposed phase 1 expansion number of animal units provided for the calculation is 3,110 with 2,870 animal units contributing to the liquid waste volume and the remainder being handled as solid manure. The process wastewater storages (existing east WSF and proposed PWW storage) will provide 191 days of liquid waste storage for the 3,428,301 gallons of PWW after construction of the proposed feed pad expansion and PWW storage. The total liquid waste volume to be accounted for in the NMP is 25,891,076 gallons (22,462,775 manure + 3,428,301 PWW). The liquid waste volumes are based on the NRCS spreadsheet and other estimated or calculated values and based upon a collection period of 365 days. The proposed phase 1 expansion accounts for full collection of leachate and contaminated runoff from the feed pad for the 25-yr, 24-hr storm event.

Phase 1 Expansion (3,110 AU) – 325 Days of Storage (Manure, Bedding, Parlor Wastewater)

Total Annual Liquid Waste Volume (NRCS Table Values)	
Liquids Collected/Stored	**Annual Gallons**
Manure and Bedding:	14,348,205
Parlor Wastewater:	4,796,100
Total Feed Storage Leachate:	0
Total Feed Storage Runoff Collected:	0
Net Precipitation on Storage Surfaces:	3,318,470
Total Liquid Waste Stored Below the MOL:	**22,462,775**

Total Liquid Waste Storage Capacity (Gallons)						
Waste Storage	Total Volume from Top to Bottom	-Remaining Solids	-25-yr, 24-hr Precipitation on Storage	-25-yr, 24-hr Collected Runoff	-Freeboard Volume	Max. Operating Level (MOL) Volume
West WSF	23,691,115	1,195,635	740,923	0	1,778,841	19,975,716
					Total MOL Volume:	19,975,716

Phase 1 Expansion – PWW STORAGES ONLY – 191 Days of Storage

Total Annual Liquid Waste Volume (NRCS Table Values)	
Liquids Collected/Stored	**Annual Gallons**
Manure and Bedding:	0
Parlor Wastewater:	0
Total Feed Storage Leachate:	100,000
Total Feed Storage Runoff Collected:	2,524,107
Net Precipitation on Storage Surfaces:	804,194
Total Liquid Waste Stored Below the MOL:	**3,428,301**

Total Liquid Waste Storage Capacity (Gallons)						
Waste Storage	Total Volume from Top to Bottom	-Remaining Solids	-25-yr, 24-hr Precipitation on Storage	-25-yr, 24-hr Collected Runoff	-Freeboard Volume	Max. Operating Level (MOL) Volume
East WSF	2,036,725	111,470	105,230	0	234,840	1,585,181
PWW WSF	824,961	74,569	61,136	363,027	117,862	208,366
					Total MOL Volume:	1,793,548

PROPOSED PHASE 2 EXPANSION

The submitted information states that Elusive Hill Dairy will have 264 days of liquid waste storage based on the volumes listed in the table below with respect to s. NR 243.15(3)(i) to (k), Wis. Adm. Code. This assumes that manure is stored separately from PWW, which is the planned operation after construction of the proposed process wastewater storage facility. The proposed phase 2 expansion number of animal units provided for the calculation is 3,880 with 3,640 animal units contributing to the liquid waste volume and the remainder being handled as solid manure. The process wastewater storages (existing east WSF and proposed PWW storage) will provide 125 days of liquid waste storage for the 4,719,771 gallons of PWW after construction of the proposed feed pad expansion and PWW storage. This also accounts for a second feed pad expansion within the 5-year permit term. The total liquid waste volume to be accounted for in the NMP is 32,331,492 gallons (27,611,721 manure + 4,719,771 PWW). The liquid waste volumes are based on the NRCS spreadsheet and other estimated or calculated values and based upon a collection period of 365 days. The proposed phase 2 expansion accounts for full collection of leachate and contaminated runoff from the feed pad for the 25-yr, 24-hr storm event.

Phase 2 Expansion (3,880 AU) – 264 Days of Storage (Manure, Bedding, Parlor Wastewater)

Total Annual Liquid Waste Volume (NRCS Table Values)	
Liquids Collected/Stored	**Annual Gallons**
Manure and Bedding:	18,204,868
Parlor Wastewater:	6,088,383
Total Feed Storage Leachate:	0
Total Feed Storage Runoff Collected:	0
Net Precipitation on Storage Surfaces:	3,318,470
Total Liquid Waste Stored Below the MOL:	**27,611,721**

Total Liquid Waste Storage Capacity (Gallons)						
Waste Storage	Total Volume from Top to Bottom	-Remaining Solids	-25-yr, 24-hr Precipitation on Storage	-25-yr, 24-hr Collected Runoff	-Freeboard Volume	Max. Operating Level (MOL) Volume
West WSF	23,691,115	1,195,635	740,923	0	1,778,841	19,975,716
					Total MOL Volume:	19,975,716

Phase 2 Expansion – PWW STORAGES ONLY – 125 Days of Storage

Total Annual Liquid Waste Volume (NRCS Table Values)	
Liquids Collected/Stored	**Annual Gallons**
Manure and Bedding:	0
Parlor Wastewater:	0
Total Feed Storage Leachate:	150,000
Total Feed Storage Runoff Collected:	3,765,577
Net Precipitation on Storage Surfaces:	804,194
Total Liquid Waste Stored Below the MOL:	**4,719,771**

Total Liquid Waste Storage Capacity (Gallons)						
Waste Storage	Total Volume from Top to Bottom	-Remaining Solids	-25-yr, 24-hr Precipitation on Storage	-25-yr, 24-hr Collected Runoff	-Freeboard Volume	Max. Operating Level (MOL) Volume
East WSF	2,036,725	111,470	105,230	0	234,840	1,585,181
PWW WSF	824,961	74,569	61,136	541,580	117,862	29,813
					Total MOL Volume:	1,614,994

Should you have any questions, please contact Rob Davis, DNR Madison office or your regional CAFO Specialist.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to WIS. STAT. §§ 227.52 and 227.53, you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to WIS. STAT. § 227.42, you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with WIS. ADMIN. CODE § NR 2.05(5), and served on the Secretary in accordance with WIS. ADMIN. CODE § NR 2.03. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

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