

Dept. of Natural Resources: Issues permit modification for Kinnard Farms

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MADISON, Wis. – The Wisconsin Department of Natural Resources (DNR) today announced Kinnard Farms is now required to conduct groundwater monitoring on farm fields.

The department issued a final decision to modify the current [Concentrated Animal Feeding Operation \(CAFO\) permit for Kinnard Farms](#). This modification is effective during the current permit term that expires in January 2023.

The department issued a draft permit modification for Kinnard Farms on Dec. 3, 2021, and received considerable public input during the comment period and hearing.

Based on information received during the public comment period, the department determined groundwater monitoring of manure land spreading sites is warranted and practical at a minimum of two land spreading sites.

Also based on the public comments, including information provided by the farm, the animal unit cap is set at 11,369 (or about 7,950 cows), which is similar to the current size of the farm. The animal unit cap is consistent with the farm's plans to remain at its current size during the permit term that expires in January 2023.

The permit modification includes additional language regarding field selection criteria, sampling parameters/schedules and requires the farm to submit a phased plan for department review and approval. Next steps will be based on data from the monitoring wells and the requirements of NR 140 groundwater quality standards,

evaluation and response procedures.

In July 2021, the Wisconsin Supreme Court issued an opinion in *Clean Wisconsin, Inc. vs. DNR*, concluding that the department has authority to include terms in a CAFO permit that ensure compliance with effluent limitations and water quality standards. The permit modification is required as part of a farm-specific settlement agreement that hinged on this Wisconsin Supreme Court opinion.

According to the settlement agreement, the department must set an animal unit cap and determine if groundwater monitoring of land spreading fields is warranted.

By law, CAFO permits require farms to demonstrate they have adequate manure storage capacity for the number of animals at a facility and adequate land base to manage manure and process wastewater, meeting nutrient management plan requirements established by DNR, DATCP and Wisconsin NRCS. In addition, the law requires a CAFO permit to include the permittee's reasonable projection of the maximum animal units during a permit term.