

PAGEL'S PONDEROSA DAIRY LLC



Pagel's Ponderosa Dairy LLC
N4893 Highway C
Kewaunee, Wisconsin 54216

Owner(s) / Operator(s): John T. Pagel

Federal USDA Subsidies 2000-2012: Pagel's Ponderosa Dairy LLC - \$ 1,140,176
Federal USDA Subsidies 2009-2012: Coleman Ponderosa LLC - \$ 17,049
Federal USDA Subsidies 2010-2012: Pagel's Whitetail Properties LLC - \$ 32,027
Federal USDA Rural Development Energy Grant 2003: Pagel's Ponderosa LLC - \$ 99,950
State Assistance 1999-2004: Pagel's Ponderosa Dairy - \$ 5,000

Facility Description: Industrial dairy complex currently permitted to confine approximately 5,800 milking and dry cows and 430 heifers under Wisconsin Permit WI-0059374 (last issued 11/1/2010). Liquefied manure and dairy wastewater are stored in one earthen and concrete waste pit, three earthen waste pits and two reception tanks, permitted to contain approximately 40 million gallons. Pagel's nearby Clyde Hill complex (dba Ponderosa Calf Ranch) is currently permitted to contain 2,604 heifers and calves and its wastes are stored in a two-cell waste pit permitted to contain approximately 8.5 million gallons.

Sources: Compliance data is compiled from file excerpts of the Wisconsin Department of Natural Resources (WDNR). Federal subsidy data is from USDA records assembled by the Environmental Working Group. Federal rural development grant data is from USDA. State assistance data is from records assembled by the Wisconsin Democracy Campaign. Aerial images are from Google Earth ©.

On or About	<p style="text-align: center;">Description</p> <p style="text-align: center;">Pagel's Ponderosa Dairy LLC</p>
06.03.14	<p>Correspondence/Memorandum to the File from WDNR Agricultural Runoff Management Specialist Danielle Block, Subject: Manure spill: "Pagel had indicated that the manure spill occurred due to a valve malfunction on the manure tanker truck. The spill occurred on County Road F... approximately 1,500-2,000 gallons of manure spilled over approximately 4/10 mile of roadway."</p>
08.21.13	<p>Correspondence from WDNR Agricultural Runoff Management Specialist Danielle Block to John Pagel, Subject: Notice of Noncompliance – Unapproved method of manure application: "On July 25, 2013 Agricultural Runoff Management Specialist, Danielle Block, visited several fields in which a manure application using a traveling spray gun had been used. These fields are identified in their nutrient management plan... Based on field observations and a review of aerial photos, it is likely that the 500 ft. setback from inhabited dwellings that is required when using spray irrigation were not met.</p> <p><u>Manure applications using spray irrigation methods are prohibited unless approval is granted by the Department.</u> [WDNR emphasis]</p>
11.06.12	<p>Correspondence from WDNR Agricultural Runoff Management Specialist Danielle Block to John Pagel, Subject: Notice of Noncompliance – Setback Violations: "This notice is to advise you that the Department of Natural Resources (Department) has reason to believe that Pagel's Ponderosa Dairy (Pagel) is in violation of its' [sic] WPDES permit requirements. On October 31st, 2012 Agricultural Runoff Management Specialists Danielle Block and Jay Schiefelbein visited several fields owned by Pagel's that had recent manure applications. While on site both Block and Schiefelbein observed that a manure application had been applied within 25 feet of a navigable water and a conduit to a navigable water."</p>
11.05.12	<p>Correspondence from WDNR Agricultural Runoff Management Specialist Casey Jones to WDNR Conservation Warden David Allen, Subject: RE: Pagel Spill: "Small accidental spills if cleaned up immediately (whether reported or not) are not violations of a WPDES CAFO permit."</p>
11.03.12	<p>Correspondence from WDNR Conservation Warden David Allen to WDNR Agricultural Runoff Management Specialist Casey Jones, Subject: Pagel Spill: "I received a Hotline [WDNR Spills Hotline referral] on 11/1 (and a follow up Hotline on 11/2 making sure of the documented violation) in reference to Pagel's Ponderosa spilling X [sic] amount of manure in the ditch and cleaning it up. The complainant(s) would like the violation documented and would like a copy of said documentation. I went by today and talked with them and I guess I also need to know what Pagel's permit says is a violation. Manure leaving the field or Manure [sic] leaving the property, etc. What is the definition of a field? Would the road ditch still be considered part of the field?"</p>
10.04.12	<p>WDNR Substance Release Notification Report and online BRRTS database record: "...tank was overfilled causing manure to spill into road ditch and run down to old gravel pit."</p> <p><i>WDNR comment: Spill was estimated at 1,000 gallons.</i></p>

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04.09.12	<p>Correspondence from Kewaunee County Land & Water Conservation Department [LWCD] to John Pagel, Subject: Well Abandonment: “You recently purchased cropland in Section 19 in the Town of Pierce. The LWCD has reason to believe that there is an old abandoned well located on this site. Staff from the LWCD will need to field-verify the location of the well. After coming up with a more exact location, the LWCD is offering to enter into a cost-share agreement with you, covering 70% of the costs incurred toward the proper abandonment of the well. It may also prevent wells from other surrounding properties from becoming contaminated in the future.”</p>
02.03.12	<p>Correspondence from attorney Michael Bauer, Hopp Neumann Hunke LLP to attorney David Crass, Michael Best & Friedrich LLP, Re: Town of West Kewaunee Proposed Birchwood (County Road F) Manure Storage Facility: “This office represents the Town of West Kewaunee. We do not agree with Pagel’s assertion that it has received all permits and approvals needed for construction and operation of a manure storage facility at its Birchwood site... A WPDES permit modification has not been approved by the WDNR and, therefore, Pagel does not have WDNR approval to operate a manure storage facility at the Birchwood site. In addition, the Birchwood facility requires Kewaunee County approval. ...Pagel has not filed a County permit application, nor paid the required permit fee, nor has a County permit been issued for the Birchwood facility. The Birchwood manure storage also requires Town of West Kewaunee approval. Finally, Section 22 of the Town’s zoning ordinance requires that a building permit be obtained for any change in use of property.</p> <p>In conclusion, Pagel does not have the required permits and approvals required to construct and operate a manure storage facility at the Birchwood site and, therefore, no construction or development of such a facility is allowed at this time.”</p>
05.09.11	<p>Email from Kewaunee County LWCD County Conservationist Andy Wallander to WDNR Agricultural Runoff Management Specialist Amy Callis, Subject: Manure Complaint: “I responded to a complaint last Friday...in the Town of west [sic] Kewaunee. The [liquid manure spreading] equipment was never lifted up/shut off as they went through the channel (an intermittent stream). This supposedly caused the liquids to be flushed downstream and into the East Twin River. It appears as though a lot of the channel is also being plowed/planted right through.</p> <p>There were also concerns expressed about groundwater contamination of local wells. The locals said there is shallow bedrock on which a portion of the intermittent stream flows across. We’ve got a GIS hit on a bedrock outcropping in this field. ...a good part of the field is considered to have low groundwater attenuation capabilities. This is probably due to shallow bedrock and/or gravelly subsoils and/or shallow water table at some point in the year. I can’t find this field anywhere in the Ponderosa’s nutrient management plan here at the LWCD.”</p>

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04.04.11	<p>Correspondence from WDNR Agricultural Runoff Management Specialist Amy Callis to John Pagel, Subject: Vegetated Treatment Area for Leachate Collection System: “The Department received the attached photograph taken November 12, 2010 from a citizen concerned with WPDES permitted operations in Kewaunee County.</p> <p>...in reviewing this photograph, there appears to be some channelization of the vegetated treatment area for the leachate collection system. To date, I have not had the opportunity to verify whether or not channelization is occurring in the vegetated treatment area. However, I recommend that the farm inspect the area as part of the current monitoring and inspection program and make any necessary repairs when the weather is appropriate. Please note that channelization of vegetated treatment areas provides a risk for un-permitted discharges from the production area and may be a potential noncompliance issue with the WPDES permit.”</p>
03.17.11	<p>Correspondence from WDNR Environmental Enforcement Specialist Anne Van Grinsven to John Pagel, Subject: Notice of Violation / Written Response Requested: “On Oct 15, 2010, Warden Kuhn received a complaint of manure in the Kewaunee River. Upon investigation, Warden Kuhn determined that manure was running through a tile line outlet on Birchwood Road and into an intermittent stream of the Kewaunee River. It was determined that Pagel's applied manure on the South end of Field TR-1 earlier that week. The manure migrated through cracked clay soils, reaching a previously unidentified tile line and discharging at the tile outlet. Pagel's took immediate action to stop the flow of manure by placing sand dams in the ditch, plugging the tile line, flushing the contaminated area with fresh water and land applying the collected flush water. The Department collected water quality samples with analysis indicating some impacts to the intermittent stream.”</p>
11.10.10	<p>Correspondence/Memorandum from WDNR Water Resources Management Specialist Mary Gansberg and Agriculture Specialist Adam Scheunemann to WDNR Agricultural Runoff Management Specialists Amy Callis and Casey Jones, Subject: Pagels Ponderosa Dairy Runoff Monitoring: “On Oct. 15, 2010, Steve Surendonk, Adam Scheunemann, and I collected water samples to document a manure release into an Unnamed Tributary to the Kewaunee River from manure applied to fields by Pagels Ponderosa Dairy near Kewaunee in Kewaunee County.</p> <p>Field pH and specific conductivity and lab E-coli and fecal bacteria, total phosphorus, suspended solids, total kjeldahl [sic] nitrogen, ammonia, and BOD concentrations are all significantly elevated in the Unnamed Tributary indicating polluted water. ...contaminants were documented in the Unnamed Tributary and it can be concluded that the manure spreading operation has an impact on the water quality of the Unnamed Tributary and also contributes pollutants to the Kewaunee River and Lake Michigan.”</p>

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10.15.10	<p>WDNR Substance Release Notification Report [created in 11.30.10]: “Field application of manure to Pagels Field TR-1. The liquid manure some how [sic] got into the field tile and into the river. Manure was in the unnammed [sic] creek from Birchwood Rd. east for about 2 miles.”</p> <p><i>WDNR comment: Spill size was estimated as “unknown.”</i></p>
11.18.10	<p>Email from Pagel's manure management consultant Todd Koss to WDNR Agricultural Runoff Management Specialist Casey Jones, Subject: Manure incident at Pagels Ponderosa: “Around 12.45 pm on November 15-2010 [sic], an injection hose sprung a leak while manure was being injected in field H-4. ...some of the manure left the field edge and got into the grass buffer before the stream and road ditch. No manure ever got into the road ditch or the stream on the east boarder [sic] of the field. The workers promptly used the farms' vacuum tank to suck as much of the manure up as they could. Several loads were hauled from the field and dumped into pit one. After the manure was cleaned up, they spread sawdust on the sight [sic] to soak any residual manure.”</p> <p><i>SRAP comment: Spill size was not estimated.</i></p>
10.12.10	<p>Email from WDNR Agricultural Runoff Management Specialist Amy Callis to John Pagel and Todd Koss, Subject: Manure Spreading Complaint 10/8: “Hello John – Attached are some messages regarding a manure spreading complaint received by the County Land Conservation Office. I think we've received some other complaints in this neighborhood recently which some of the wardens have responded to. Please ensure you are following your nutrient management plan.”</p>
10.04.10	<p>Email from WDNR Agricultural Runoff Management Specialist Amy Callis to John Pagel, Subject: Land-spreading complaint, Field WS-8: “Hi John - I understand there was a land-spreading complaint this past weekend on Field WS-8 on Church Road in the Town of West Kewaunee. The warden responded and worked with the employees at the site. Please ensure you, your staff, and any contract haulers are maintaining all of the required SWQMA setbacks and following the nutrient management plan when land applying manure. The hazard restriction map for Field WS-8 shows a waterway through the field and has a 25 foot landspreading setback identified for the manure spreading restriction when injecting or incorporating manure.”</p>
<p>12.18.09 and 11.16.09</p>	<p>WDNR Compliance Monitoring Checklist, and Correspondence from WDNR Agricultural Runoff Management Specialist Amy Callis to John Pagel, Subject: Summary of Compliance Inspection for WPDES Permit Renewal: “The feed storage area and associated runoff systems have been modified without Department engineering review and approval. An NOV was issued on 12/2/09. A proposed monitoring and inspection program was due to the Department on July 1, 2005 however no information is available in the file showing the documentation was submitted.</p> <p>(continued on the next page)</p>

On or About	Description Pagel's Ponderosa Dairy LLC
	(continued from the previous page) ...the farm is <u>not</u> considered in substantial compliance with the current WP-DES permit. [WDNR emphasis]
12.02.09	<p>Correspondence from WDNR Environmental Enforcement Specialist Anne Van Grinsven to John Pagel, Subject: Notice of Violation / Written Response Requested: "On Sept., 16, 2009, the Department received a complaint of active construction at Pagel's along County Highway C. Ms. Callis drove by the Site on Sept. 22, 2009, and observed a large area disturbed along County Highway C.</p> <p>Various e-mail communications from Sept. 22 to Oct. 15, 2009, occurred between Pagel's and the Department. Pagel's was again advised feed storage and associated leachate runoff controls require Department plans and specifications review prior to construction. Ms. Callis reiterated that those documents had not yet been submitted and construction could not commence until approval is granted.</p> <p>On Oct. 15, 2009 WPS [Wisconsin Property Services], on behalf of Pagel's, submitted as-built documentation for the feed storage and associated leachate runoff controls to the Department. The documentation stated the feed bunker was constructed in September 2008 and the associated leachate runoff controls were constructed in September and October 2009. During a drive-by inspection on October 23, 2009, the Department concluded construction of the feed storage and associated leachate collection system was mostly complete. The Department believes that these construction activities were in violation of the Permit and... Wis. Adm. Code.</p> <p>At this time, the Department will be exercising its enforcement discretion and not request an enforcement conference."</p>
10.29.09	<p>Email from John Pagel to WDNR Agricultural Runoff Management Specialist Amy Callis, Subject: RE: Pagel's Ponderosa - Compliance Inspection for Permit Renewal: "Hi Amy... How about Nov. 16th at 9:00 a.m. for the Inspection appointment? Let me know. Thanks, John"</p>
10.02.09	<p>Correspondence from WDNR Storm Water Management Specialist Cheryl Bougie to John Pagel, Subject: Notice of Non-compliance: "It now, [sic] has come to the attention of the Department that you have conducted land disturbing activities at your site that were not permitted [WDNR emphasis]: new excavation to construct a vegetated filter system (work conducted along County HWY C.</p> <p>All Construction Shall Cease until the Permit is granted for this new expansion area." [WDNR emphasis]</p>
10.12.08	<p>WDNR online BRRTS database record: "Valve on manure tanker did not close, started up a hill and leaked manure onto the road and some ran down the ditch into a [landowner's] field."</p> <p><i>WDNR comment: Spill was estimated at 400 gallons.</i></p>

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08.01.08	Correspondence from WDNR Agricultural Runoff Management Specialist Amy Callis to a citizen's written public comment, Subject: Response Regarding Comments on the Environmental Assessment for Pagel's Ponderosa Dairy: "The WPDES permit is a water quality permit and does not provide the authority to regulate odor."
07.15.08	WDNR Environmental Analysis And Decision On The Need For An Environmental Impact Statement, authored by WDNR Agricultural Runoff Management Specialist Amy Callis: "The Department has some authority to address odor complaints should they arise."
07.15.08	WDNR Environmental Analysis And Decision On The Need For An Environmental Impact Statement, authored by WDNR Agricultural Runoff Management Specialist Amy Callis: "Generally, the number of cattle in Kewaunee County has increased steadily beginning in 2000. If numerous other projects of this type are proposed in this area there is a concern that the land base available for land-spreading manure could be overwhelmed and would make a number of such projects nonviable, primarily with respect to costs associated with hauling manure long distances for land-spreading."
07.01.08	Email from WDNR Storm Water Runoff Management Specialist Cheryl Bougie to John Pagel, Subject: Construction Site Storm Water Discharge Permit: "I was conducting inspections in the Kewaunee Co area and drove past your construction site (farm expansion) with Conservation Warden Darren Kuhn. We viewed the farm from Ryan Radio Road and CTH C. We noticed that the silt fence [WDNR emphasis] was down near the wetland area and that there was no silt fence installed west of the free stall barns... A vehicle tracking pad [WDNR emphasis] was not installed of Ryan Radio Road east of the free stall barn construction and construction vehicles are utilizing this site as an egress point. Some tracking on the road was noted. This should be cleaned off at the end of each working day per your permit and the ECSWMP [Erosion Control and Storm Water Management Plan]. Please amend [WDNR emphasis] to include a vehicle tracking pad and install one per the amended plan."
05.06.04	Correspondence from WDNR Secretary Scott Hassett to John and Kim Pagel: "On behalf of the Department of Natural Resources, I again commend you for stepping forward to become a Discovery Farm and demonstrating that a cooperative problem-solving approach to environmental challenges makes more sense than bitter and prolonged confrontation. You are a credit to environmentally responsible farming, a respected leader in the Dairy Business Association and a model spokesperson for agriculture."
04.29.03	Correspondence from John Pagel and Todd Koss to WDNR, Documentation of the Actions Taken on 4/29/03 & 4/30/03 Involving the Manure Leaving the Field on 4/29/03: "1:15 p.m.. Dave checked how the manure hauling was going (continued on the next page)"

On or About	Description Pagel's Ponderosa Dairy LLC
	<p>(continued from the previous page)</p> <p>on field LH-1B. He discovered that manure was leaving the field in an area by the woods. He took a shovel and began to build a burm [sic] at the edge of the field. He also called Brian to hook on to the field cultivator to work the running manure in. Then he ran back to the farm to get the loader to build a burm [sic] by the creek.</p> <p>3:30 p.m. Silk [sic] fencing was placed on the burm [sic] by the creek and also at the edge of the field where the manure left the field.”</p> <p><i>SRAP comment: Spill size was not estimated.</i></p>
10.04.02	<p>Correspondence from WDNR Private Water Systems Section, Bureau of Drinking Water and Groundwater staff George Mickelson and Mark Putra to John Pagel, Subject: Conditional High Capacity Industrial Well Approval, Towns of Casco and West Kewaunee, Kewaunee County: “Based on information in the application, the department is of the opinion that you have been operating a high capacity well system for several years without approval. This approval is issued after the fact for the existing network of wells, this approval does not cover any new wells or pump installations.</p> <p>Based on information in the application, the existing piping and distribution network does not provide adequate backflow prevention. A condition of this approval is that the system be upgraded within 30 days of the date of this approval.</p> <p>Based on the information submitted, the department is of the opinion that none of the existing wells meet high capacity well specifications. Therefore, you will not be able to install pumps in any existing wells that are of 70 gallons per minute or more.”</p>
11.05.01	<p>Correspondence from Kewaunee County Land & Water Conservation Department County Conservator Andy Wallander to attorney Andrew Hanson of Midwest Environmental Advocates, Subject: November 5th, 2001 A.M. phone conversation: “As per our phone conversation this morning, I’m sending this letter to provide you with information about the recent field tile/possible pollution source complaint... Early the following week, Tom Konop, one of our department’s technicians was able to visit the site. Mr. Konop reported to me that at the time of his investigation there was liquid coming from the tile outlet, although it did not have a manure-type odor to it. However, the liquid did not smell like ‘clean’ tile drainage either. Mr. Konop then had a conversation with John Pagel about the tile line. It was agreed that Mr. Pagel would begin to excavate at different locations along the tile line in an effort to find out where the liquid was coming from and what the liquid actually was.”</p>
03.17.00	<p>Correspondence from WDNR Environmental Engineer Doris Thiele to John Pagel: “A remaining Department concern is the wetland area west of the second</p> <p>(continued on the next page)</p>

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	(continued from the previous page) manure storage facility. Several alternatives were discussed which included wetland mitigation and the prevention of additional runoff from entering the wetland. The Department highly recommends that the bank nearest the free stall barns and storage facility be stabilized as soon as possible.”
03.16.00	Correspondence from WDNR Agricultural Engineer Gail Puzach and Runoff Management Section's Gordon Stevenson, Subject: Pagel's Ponderosa Dairy Waste Storage Facility: “The plans and specifications cannot be approved... Wis. Admin. Code NR 108.04(5), requires that the plans and specifications be submitted to the Department 90 days prior to commencement of the project's start date. Since these facilities are already in place and being used, the plans and specifications were submitted after construction had commenced and in fact was completed.”
12.15.99	Correspondence from USDA NRCS District Conservationist Dave Gruber to John Pagel: “I did a wetland determination on tract 10021 a few weeks back. You since questioned whether the UN [sic] numbered field (wooded) north of the barn was correctly identified as a wetland. The wetland map showed the whole wooded tract as a wetland. I did not change the wetland mapping as fill now covers the area mapped...and I could not check the soils. The wetland designation was left and I showed it as a Converted Wetland Not For Agriculture (CWNA).”
11.16.99	Correspondence/Memorandum to the File from WDNR Agricultural Engineer Gail Puzach, Subject: Plan & Spec. Approval for Pagel's Ponderosa: “[WDNR's] Mark DeBaker was concerned about the fact that this facility is built very close to a wetland. This was an issue that came up during the public hearing process. Since it is already built, it is rather difficult to think that we could have some say in how or where this facility is constructed. Mark mentioned some concern over the tested level of fecal coliform; however, it was undetermined if it came from this site or not. Tom Konop indicated that they were not as close to any wetland as Mark thought...he also mentioned that ‘in their county, they have been given permission to fill wetlands in order to construct.’ I will draft an approval letter although it should have been done PRIOR to construction taking place.”
10.18.99	WDNR file, Pagel's Ponderosa Site Visit 10/18/99: “DeBaker explained that the criteria used on his [manure storage] pit were the same as the DNR would require, and that the DNR plans and specifications review were usually only a formality.”
05.29.99	WDNR Facility Contact: “DeBaker contacted Andy Wallander regarding low lever [sic] nutrient runoff in the ditch near the Pagel farm. Wallander informed DeBaker that Pagel had been working under a nutrient management plan which should minimize runoff, but was uncertain as to how well the plan had been followed.”
04.15.99	WDNR file, Pagel's Ponderosa Site Visit – Pre-permit: “While the bulk of the operation is contained under roofs, cattle walks between the barns are exposed to the weather. DeBaker explained that runoff from the walkways could result in runoff (continued on the next page)

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	<p>(continued from the previous page)</p> <p>to the wetlands on either side of the barns. John had indicated that there were no wetlands in the area, and believed that since the areas dried up during the summer, he didn't realize they were even considered wetlands. DeBaker pointed out that the areas were included on the wetland maps and had already been classified as wetlands. As such, they were considered waters of the state and would have to be protected as such.</p> <p>DeBaker cautioned him against filling any of the wetland areas without a permit from the Army Corps of Engineers, and possibly the county zoning office. DeBaker felt that the present runoff controls were inadequate and would need improvement.”</p>
10.21.98	<p>WDNR Facility Contact Form by Mark DeBaker: “[Complainant] called with usual concerns persisting regarding disposal of manure, and amount to [sic] expansion to expect, where manure was going to be spread. She had myriad questions and wanted to know if I had the answers. Her largest concern at this time appeared to be spillage on the roads, and she was working with the county (Kewaunee) zoning staff.”</p>
03.22.96	<p>WDNR Facility Contact Form by Mark DeBaker: “John [Pagel] called to get more information on the complaints that I had informed his wife about on 3/21/96. I explained that there had been complaints about his winter spreading and people were worried about the effects of his runoff on the stream. I had visited the site earlier in winter and found considerable discoloration in the ice that had formed after a warm spell, and had taken samples on 3/21/96 to see how bad the runoff was. Conditions were not conducive to runoff so the samples may be the best gage [sic] of how much runoff is occurring during warm weather.”</p>



CAFO operators inject liquid manure into manure application fields. When manure is applied above agronomic levels, excess manure can contaminate neighboring waterways.

Photo Credit: Kewaunee CARES