CWA COMPLIANCE EVALUATION INSPECTION REPORT
U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 5

Purpose:
Compliance Evaluation Inspection

Facility:
Augustian Farms, LLC
4301 County Road G
Kewaunee, Wisconsin 54216
44.37089, -87.44356

NPDES Permit Number: WI-0063274 – General Permit in the process of obtaining an Individual Permit.

Date of Inspection: November 9, 2022

EPA Representatives:
Cheryl Burdett, U.S. Environmental Protection Agency, 312-886-1463, burdett.cheryl@epa.gov.
Benjamin Atkinson, U.S. Environmental Protection Agency, 312-886-1463, atkinson.benjamin@epa.gov

State Representatives:
James Salscheider, Wisconsin Department of Natural Resources (WDNR) 920-367-3007 James.salscheider@wisconsin.gov

Facility Representatives:
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Inspector Signature: CHERYL BURDETT Digitally signed by CHERYL BURDETT Date: 2023.01.09 08:11:03 -06'00'

Approver Signature/Date: Ryan Bahr Digitally signed by Ryan Bahr Date: 2023.01.10 14:43:17 -06'00'

1. BACKGROUND

The purpose of this report is to describe, evaluate, and document Augustian Farms, LLC's compliance with the Clean Water Act (CWA) at its Kewaunee, Wisconsin Facility on November 9, 2022. This inspection was performed pursuant to Section 308(a) of the Federal Water Pollution Control Act, as amended.

Augustian Farms, LLC is large Dairy Farm with approximately 1040 Milking and Dry Cows. A large dairy farm is defined as a large CAFO if it has 700 or more milking or dry cows.

A grassed waterway on the west side of the Center Access Road flows into a waterway east of the Center Access Road that flows through the center of the Facility into the unnamed tributary on the east side of the facility (also known as Sandy Bay Creek) that flows into Lake Michigan.

2. SITE INSPECTION

Table 1: Site Entry and Opening Conference

Arrival Time:	Approximately 10:00 a.m.
Temperature:	51 degrees Fahrenheit
Precipitation:	No Precipitation within the last 24 hours.
Presented credentials?	Yes.
Credentials presented to whom and at what time?	The Owner/Operator.
Was an opening conference held? With whom? Yes. The Owner/Operator. EPA had provided notice to Mr. Aaron Augustian of EPA's upcoming inspection by e-mail on November 7, 2022. EPA explained in the e-mail that EPA's inspection would include a walk around of the production area and to go through our Region 5 Concentrated Animal Feeding Operation Checklist. EPA upon arrival put on yellow boots for biosecurity. Mr. Augustian met EPA and WDNR at their car and walked them to the office where we met with other Augustian Farms, LLC Representatives (listed above). EPA explained that the purpose of the inspection was to evaluate compliance with the Clean Water Act and General Wisconsin Pollutant Discharge Elimination System Permit WI-0063274.	
If photographs or documents were taken, does the facility consider any to be Confidential Business Information (CBI)?	No.
Which information does the facility consider to be CBI?	None.
EPA vehicle parked in an approved location.	Yes.
Location where EPA vehicle was parked?	North side of the Milking Parlor.
Disposable boots worn?	Yes.
Other bio-security measures taken (state vet contacted, etc.):	EPA notified the Facility prior to the inspection.

2.1 Records Review (The following Records Review tables reflect information provided before the walk-through of the facility, unless otherwise noted.)

Table 2: Documents

Checklist(s) Used
R5 CAFO Inspection Checklist
Facility Documents Reviewed:
Reviewed inspections and calendars.

Table 3: Facility Description

Type of Animal	**Number of Animals**	**Capacity**	**Type of Confinement**
Milking and Dry Cow	1040	Same	Under roof
Steer	105	Same	Under roof
Heifers	40	same	Under roof
Minimum Number of Animals in previous 5 years:			1040 Dairy Milking and Dry Cows.
Maximum Number of Animals in previous 5 years:			1080 Milking and Dry Cows.
Number of Animals that are stabled/confined and/or fed/maintained for 45 days or more in previous 12 months:			1,225 confined within Barns.
Amount of Liquid Manure Generated per year:			Average approximately 10-11 million gallons.
Amount of Solid Manure Generated per year:			Bed pack is included with the liquid manure generated.
Does the facility have an NPDES Permit?			Yes.
SIC or NAICS code:			241
CAFO Designation/Defined Date (If a designated CAFO)			Defined as large CAFO.
CAFO Designation/Defined Reason (If a designated CAFO)			Based on the number of milking and dry cows.
Do animals have direct access to WOUS?			No.
Are crops, vegetation, forage growth, or post-harvest residues sustained in the normal growing season over any portion of the lot or facility where animals are kept?			No.
What is the area (acres) of the production area?			EPA used the measuring tool on Google Maps to estimate that the production area is approximately 16.50 acres.
What is the area (acres) of the pasture?			None.
How many employees (not counting family members)?			EPA did not ask this question during the inspection.
Other facilities under common ownership (name and address):			
No.			

Table 4: Livestock Waste Storage

Type of Storage	Storage Capacity	Type of Liner	Depth Markers Present	Last Time Waste was Removed	Amount of Waste Removed	Days of Storage
Earthen Manure Storage Structure	6,040,373	Clay	Yes	End of August	1,627,139	10 months with the combination of the earthen manure storage structure and Leachate Pond.
Leachate Pond	4,122,785	concrete	Yes	July 22	1,467,378	10 months with the combination of the earthen manure storage structure and Leachate Pond.
Manure Collection Pit	Week's capacity	Concrete	No	Weekly	Not sure	7 days

Records at site of storage structure design?	I did not request to see these documents because WDNR confirmed, at the time of the inspection, that they received these documents from the Facility.
Is manure stored for the short term? If yes, describe where it is stored, how it is drained and where it drains to.	January – March the Silage Pad was used to store used bed pack. However, this is not an approved location, so the facility will use their Headland Stacking for short term storage of their bed pack.
Are records kept of the level of manure in the storage structures?	Yes. This is documented on the CAFO Calendar.
When was the last time a storage structure was emptied, either partially or completely?	According to Mr. Aaron Augustian, the Earthen Manure Storage Structure was almost emptied in August.
What amount of manure or process wastewater was removed the last time the storage structure was emptied, either partially or completely?	1,627,139 gallons was removed from the Earthen Manure Storage Structure.
Do the facility personnel inspect and keep records of all diversion devices?	Yes. Augustian Farms, LLC kept records of weekly inspection of all diversion devices.
Do the facility personnel inspect and keep records of all impoundments?	Yes. Augustian Farms, LLC kept weekly inspections of the impoundments.
Do the facility personnel inspect and keep records of all the water lines?	Yes. Augustian Farms, LLC kept daily records of the waterlines.
Do the facility personnel perform routine visual inspections and keep records of the production area?	Yes.

Does the waste storage system have a managed outfall or discharge point? If yes, provide a description of the outfall and a description of the area receiving the discharge.	No.
Has the facility had any documented discharges of livestock waste to surface water in the past year?	No.
Are there safety devices installed around any manure storage ponds? (Barriers at the end of manure push off platforms, fences around pond, signage.)	Yes. The Manure Collection Pit had a concrete wall around it. The Leachate Pond and the Earthen Manure Storage Structure both had fences around the structures.

Table 5: Livestock Waste Management

Describe the way manure is collected and disposed of at the facility:	
The Large Freestall Barn is scraped into the manure transfer system that conveys manure into the East Pit. The manure in the East Pit is pumped into the Earthen Manure Storage Structure. The Small Freestall Barn is scraped to a manure transfer system conveys manure using McClanahan Auger System to transfer manure to the West Pit. The manure in the West Pit is pumped to the Earthen Manure Storage Structure. The process wastewater from the Milking Parlor and the clean out of the milk tanks goes into the West Pit. The process wastewater in the West Pit is pumped with the manure to the Earthen Manure Storage Structure. The Manure Collection Pit on the east side of the Dry Cow Barn and Heifer Barn is hauled once a week either directly to the fields or to the Earthen Manure Storage Structure (dependent on the weather). The Steer Barns are applied daily to the fields or headland stacked on approved fields when the weather is not suitable for land application. Steer Barns bed pack can also be put in the Earthen Manure Storage Structure.	
Describe the way used bedding is collected and disposed of at the facility:	
Sand is used in the Small and Large Freestall Barns and in the Dry Cow and Heifer Barn. Straw is used in all the Steer Barns. Sand in the Small and Large Freestall Barns is collected in the East and West Pit where it is pumped into the Earthen Manure Storage Structure.	
Are mortality records kept?	Yes.
Describe the way mortalities are managed at the facility:	
Mortalities stay in the Hospital Pen until Augustian Farms, LLC calls Sandy Bay Mink Farm to pick up and the mortalities are picked up usually the same day.	

What type of method is used to provide drinking water for the animals? **(Drinkers with float system? Nipple waters? If nipple waters, is backflow prevention installed?)**	Water for the cows is on a float system.
Describe the way spilled drinking water is collected and disposed of at the facility:	
Water from the drinkers is collected with the manure.	
Describe the way mist cooling water is collected and disposed of at the facility:	
No misting system.	
Describe how chemicals are stored and how used or spilled chemicals are collected and disposed of at the facility:	
Describe how chemicals are stored and how used or spilled chemicals are collected and disposed of at the facility: The Utility Room is the storage area for the chemicals stored at Augustian Farms, LLC such as the 55-gallon drums of teat dip and acid wash, if there was spill in the Utility Room it would flow into the drain that discharges into the West Pit. The West Pit can be shut down so, it does not go into the Earthen Manure Storage Structure.	
Describe the way water that has been used to wash/flush barns are collected and disposed of at the facility:	
The barns are scraped to the manure transfer system that goes to the East or West Pit and pumped into the Earthen Manure Storage Structure. A hose is used to wash down the Milking Parlor which goes with the manure into the West Pit.	
Describe where water comes from that is used to clean and/or flush. (Wells, city, etc.)	
Well water.	
Describe the way feed is contained and how runoff from feed is collected and disposed of at the facility:	
There is an Old Haylage Pad that is sloped to flow into the grassed waterway that flows into the waterway that flows through the center of the Facility. According to Mr. Augustian, the haylage on the Old Haylage Pad will be gone in January 2023 and the Old Haylage Pad will no longer be used for any type of feed storage. The 2018 and 2021 Silage Pad are sloped to drain leachate and process wastewater into the Leachate Pond. However, the south side of the 2021 Silage Pad, EPA observed pathways leading from under the covered silage to the waterway that flows through the center of the Facility.	
If a dairy, describe how process wastewater from the plate cooler water is collected and disposed of at the facility:	
The plate cooler water is used for cows for drinking water.	
If a dairy, describe how process wastewater from the cleaning of the milking parlor is collected and disposed of at the facility:	

It flows into the West Pit where it is pumped into the Earthen Manure Storage Structure.	
If a dairy, describe how process wastewater from the cleaning of the milk tanks is disposed of at the facility:	
It is collected in the West Pit where it is pumped into the Earthen Manure Storage Structure.	
If a dairy, how many times per day are cows milked?	Three times per day.

Table 6: Land Application and Disposal of Manure and Process Wastewater

Does the facility perform and keep records of the manure testing?	Yes.
When was the last time a sample was taken of the manure and/or process wastewater?	Manure samples were collected on 8/30 and 8/31. Process wastewater samples were collected on 7/11 and 7/12 of 2022.
Describe the process to take the manure and/or process wastewater sample.	Manure is collected from the tanker at the land application site. If a dragline is used for land application, the samples are collected from the nozzle. Bed pack samples are taken after the bed pack is land applied to the field.
Number of acres available for land application:	Approximately 1380 . Augustian has approximately 2200 acres with cooperative and owned fields.
Are land application records kept?	Yes.
Who applies the manure and process wastewater to the fields?	Right-A-Way Applicators applies the process wastewater and the manure from the Earthen Manure Storage Structure. Augustian Farms, LLC land applies the bed pack.
Are weather conditions at time of application kept? (24 before – 24 after)	Yes.
Does the facility perform and keep records of the soil testing?	Yes, Augustian can obtain the lab records for the soil testing and the manure and process wastewater sampling results from Ag Source. Augustian

	Farms, LLC hires Ag Source to collect the samples for soil testing and perform analyses.
Is manure transferred off-site to another party?	No.
Are manure transfer records maintained?	Not applicable.
Do facility personnel perform periodic inspection of land application equipment?	Yes. Wet soils are all tiled except for K2 and K3.

Table 7: Receiving Surface Waters

Describe the surface flow pathways:	
A grassed waterway on the west side of the Center Access Road flows into a waterway east of the Center Access Road that flows through the center of the Facility into the unnamed tributary on the east side of the facility (also known as Sandy Bay Creek) that flows into Lake Michigan.	
How many months out of the year is there flow in the nearest surface water pathway:	It flows more than three months out of the year.
Are there any storm water pathways entering the facility?	Yes.
Are there any clean water ponds on site?	No.
What is the name of the first waterway that is identified as a Traditional Navigable Water (TNW) for surface flow from the facility?	Lake Michigan
Is the surface water pathway nearest to the facility considered to be ephemeral, intermittent, or perennial?	Perennial.
Has the surface water pathway nearest to the facility been assessed for water quality?	The unnamed perennial waterway (locally known as Sandy Bay Creek) flows south into Lake Michigan has not been assessed.

Table 8: Nutrient Management Plan

NMP on site?	It is all done on Snap +.
Date NMP Submitted:	It was submitted to WDNR on 3/29/2022
Planner Name/Company:	Kevin Beckard Ag Source
Date that the NMP was last updated:	March 29, 2022
Storage Description:	This was not in the Permit or narrative portion of the NMP.
Amount of Manure Generated:	This was not in the Permit or narrative portion of the NMP.
Capacity of Storage:	Yes. This was listed in the NMP.
Duration of Storage:	The owner stated that there is approximately 364 days of storage. This is also listed in the narrative of the NMP.

Amount of Spreadable Land:	The owner/operator stated there is approximately 2200 acres available for land application. This is also listed in the narrative portion of the NMP.
Mortality Management Plan:	Yes. This was in the narrative portion of the NMP.
Clean Water Diversion System:	This was not in the Permit or narrative portion of the NMP.
Direct Contact Prevention Plan:	Direct contact of the animals to waters of the state is not permitted.
Chemical Management Plan:	This was not in the Permit or narrative portion of the NMP.
Conservation Practices:	This was not in the Permit or narrative portion of the NMP.
Manure Testing Protocols:	This was listed under the narrative portion of the NMP.
Soil Testing Protocols:	This was listed under the narrative portion of the NMP.
Land Application Protocols:	Yes. This was described under the narrative portion of the NMP.
Additional NMP comments:	The NMP does include specific sampling location for the storage structures.
Does the NMP reflect the current operational characteristics?	No.
Are the number of acres owned/leased consistent with what is listed in the NMP?	Yes. This was described under the narrative portion of the NMP.

Table 9: Land Application Records (details of the records reviewed)

Fields available for application this year:	EPA does not review a list of fields available for land application.
Timing limitation on fields:	EPA has not reviewed the timing limitation for fields.
Annual manure analysis for N and P	EPA has not reviewed the analysis for N and P.
Soil tests for fields (for P) less than 5 years old?	EPA has received the soils tests for P and the fields being used for land application are less than 5 years old.
Inspection of land application equipment documentation:	EPA has not reviewed the land application equipment inspections.
Crop:	Yes. This information was documented in the Annual Spreading Report.
Application Rate:	Yes. Daily Haul Log and Annual Spreading Reports provides application rate.
Crop Yield Goals:	Yes. This is provided on the Annual Spreading Reports.

Timing of land application:	Fields are land applied all year long except in February and March. Weather is checked daily for land application.
Method of land application:	No till. Surface applied and surface applied and incorporated.
Additional land application information:	Fields are 100% cover crops with multiple species.

Table 10: Facility Records (details of the records reviewed)

Diversion devices:	EPA observed stormwater control inspection records at the time of the inspection.
Impoundments:	EPA did not review impoundment records at the time of the inspection.
Depth marker observations:	EPA observed records during the inspection that showed the depth marker observations were documented.
Water Lines:	EPA observed records during the inspection that showed that waterlines are checked daily.
Mortality handling:	This was described to EPA during the interview portion of the inspection.
Storage Structure Design:	This was not reviewed. EPA confirmed with WDNR during the interview portion of the inspection that they received storage structural design plans.
Overflow records:	Not applicable.
Crop Yields:	This is documented on the Annual Spreading Report Form.
Land Application Dates:	This is documented on the Daily Haul Log and on the Annual Spreading Report form.
Weather Conditions at time of application (24 before-24 after):	Weather conditions are documented on the Daily Haul Log; however, it does not read that it is 24 hours before and 24-hours after the land application.
Test Methods for Manure Testing:	The Facility explained during the interview portion of the inspection how samples are collected for manure and process wastewater.
Test Methods for Soil Testing:	The Facility explained during the interview portion of the inspection how samples are collected for soil tests.
Manure Test Results:	EPA did not review the manure test results.
Soil Test Results:	Yes Provided to EPA after the inspection by e-mail

Calculations of N and P applied:	Nitrogen and Phosphorus is calculated in Snap+
Application Methods:	Augustian Farms, LLC provided the application methods in their narrative portion of the NMP.
Application Equipment Inspection Dates:	The liquid manure application is done by Right-A-Way, so dates of their equipment calibrations were not available. Augustian Farms land applies the solid manure using a manure spreader. The manure spreader was calibrated on 4/22/2022.

Table 11: NPDES Permit

Type of permit (General, individual)	General
Is a copy of the permit on site?	EPA did not view the permit.
Date that the permit was issued:	2011
Date that the permit will expire:	2016 – Augustian Farms was under a General Permit that expired. WDNR is in the process of reissuing all large CAFOs under individual permits.
Permitted number of animal units:	Permitted as a large, not for a specific number of animal units.
Does the permit contain a compliance schedule? If yes, provide a detailed description of the requirements and the status.	No.
Have there been any changes made to the production area since the permit was issued? If yes, provide a detailed description.	Yes. Extended freestall building, feed storage areas, and leachate and manure ponds.
Are there any practices in the permit that are not being done at the facility? (Records kept, inspections performed, etc.)	No.

2.2 Walkthrough of the Facility

Ben Atkinson and Cheryl Burdett (EPA), James Salscheider, WDNR, and Aaron and Todd Augustian, Susan LaCrosse, and Nicholas Cordy (Augustian Farm Representatives) referred to as "We". We started the walk-through at northwest side of the facility at the Dry Cow and Heifer Barn, which is identified as Pen 10 and Pen 9. EPA observed the Manure Collection Pit. EPA observed feed pushed from the barn and feed areas of the Dry Cow Barn and Heifer Barn. EPA observed that the areas outside the Dry Cow Barn and Heifer Barn and the designed feed area are sloped to drain precipitation away from those areas to the grassed waterway.

EPA continued along the north side of the Pen 9 and Pen 10 to the west to the concrete path on the northwest side of Pen 9 Heifer Barn. We walked north to the Old Haylage Pad. EPA walked to the east on the south side of the Old Haylage Pad where EPA observed the open front face of the Haylage. At the time of the inspection EPA did not observe process wastewater discharging from the pad. However, the Old Haylage Pad is sloped toward the grassed waterway that flows into a waterway that flows through the center of the Facility. The Owner/Operator stated that once the Haylage is used up by the cows, this pad will no longer store feed. The Owner/Operator estimated that the cows would have it all eaten up by January. EPA walked around the West Steer Barn. We continued to the east side of the Center Access Road. We walked around the 2018 Silage Pad and then to the Leachate Pond. EPA continued to the Northeast Steer Ban and then to the Southeast Steer Barn. EPA observed feed and manure pushed from the Northeast and Southeast Steer Barns and from the attached open feedlots. EPA observed feed and bedding on the grassed area to the east of the Southeast and Northeast Steer Barns. The area to the east is sloped toward the unnamed tributary (locally known as Sandy Bay Creek) to the east of the facility that flows south into Lake Michigan.

We continued the walk around to the south side of the 2021 Silage Pad. EPA observed that there were several wet pathways across the access road and small pools of water on the berm of the waterway that flows through the center of the Facility. EPA also observed pathways indicative of runoff originating from the 2021 Silage Pad across the access road going down the berm EPA observed matted vegetation all the way to edge of the waterway flowing through the center of the Facility.

We continued the walk around down the Center Access Road. We walked between the Milking Parlor and the Large Freestall Barn. We continued along the north side of the Large Freestall Barn to the east. EPA observed the well northeast of the Large Freestall Barn and continued to walk south on the east side of the Large Freestall Barn. EPA observed a clean pile of sand on the concrete pad on the south side of the Large Freestall Barn, no runoff was observed from the clean sand at the time of the inspection.

We continued to walk around the Earthen Manure Storage Structure. EPA observed the PVC Freeboard Marker at the northeast corner of the Earthen Manure Storage Structure. We continued to walk around the entire Earthen Manure Storage Structure and continued to the northwest toward the south side of the Large Freestall Barn.

We continued along the south side of the Large and Small Freestall Barns and then along the west side of the Small Freestall Barn. EPA observed a stormwater ditch along the west side of the Small Freestall Barn. EPA completed the walk-through and went into the office within the Milking Parlor building to go through the closing conference with WDNR and the Facility Representatives.

2.3 Closing Conference and Post-Inspection

Table 12: Post Walk-Through

Was a closing conference held? With whom? Yes.

Aaron Augustian, Todd Augustian, Susan LaCrosse, Nicholas Cordy, and James Salscheider, WDNR	
Were specific Areas of Concern discussed with facility personnel?	Yes.
Who were the Areas of Concern discussed with? Aaron Augustian, Todd Augustian, Susan LaCrosse, Nicholas Cordy, and James Salscheider, WDNR	
Were any deficiencies or areas of concern addressed or fixed during the inspection? No.	
Compliance assistance materials given to facility personnel: No.	
Exit Time:	13:30 p.m.
Disposable Boots Left at Facility?	Yes.
Vehicle Washed after leaving facility?	Yes.
Date and Time that vehicle was washed:	After the inspection on November 9, 2022

Table 13: Waterway Documentation

List the pathway taken by EPA inspectors to document the waterway at the facility.
Waterway flowed through the center and east of the Facility into an unnamed tributary east of the Facility that flowed south into Lake Michigan.

Table 14a: Sampling Information

Were samples taken?	No.

3. AREAS OF CONCERN

EPA explained during the closing conference that they had concerns about the following areas:

1. EPA observed pathways originating from the covered silage on the 2021 Silage Pad to the waterway that flows through the center of the Facility. This waterway flows east into the unnamed tributary (lknown locally as Sandy Bay Creek) that flows into Lake Michigan. (WPDES WI-0063274 Section 3.6)
2. EPA observed uncontained feed ouside on the east side of the Dry Cow Barn and the attached feed area on the north side on the concrete pad. (WPDES WI-0063274 Section 3.6)
3. EPA observed uncontained feed to the west and north of the West Steer Barn. The concrete where the uncontained feed was observed was sloped toward the grassed waterway. (WPDES WI-0063274 Section 3.6)
4. EPA observed that the east opening of the haylage was not covered and the feed was tracked across the Old Haylage Pad at the open end of the haylage. EPA observed that the pad is sloped toward the concrete and compacted area to the east which is sloped to the north toward the grassed waterway. (WPDES WI-0063274 Section 3.6)

5. EPA observed used feed and bedding on the concrete pad to the south outside the Northeast Steer Barn and the attached feedlot. The concete pad around the Northeast Steer Barn and attached open feedlot is sloped to the east to a grassed area that slopes toward an unnamed tributary (locally know as Sandy Bay Creek) to the east of the Facility that flows south and then east again into Lake Michigan. ((WPDES Permit WI0063274 Section 3.2)
6. EPA observed uncontained used feed and bedding outside the Southeast Steer Barn and attached feed lot. There was also a gutter from the roof on the east side of the Southeast Steer Barn that is designed to take water from the roof into this area where uncontained feed and bedding was observerd. This area is sloped to the east toward a unnamed tributary (locally known as Sandy Bay Creek) that flows directly to the Lake Michigan. (WPDES WI-0063274 Section 3.6)

4. LIST OF DOCUMENTS RECEIVED FROM FACILITY

- FM6: Soil Test Report - Soil Test Results from 2011-2021
- AugustianFarms.DNRCafo.Rpt-2021 Crop Yr.
- AugustianFarms.DNRCafo.Rpt-2022 Crop Yr.
- AugustianFarms.DNRDailyLog.Rpt-2021 Crop Yr.
- AugustianFarms.DNRDailyLog.Rpt-2022 Cop Yr.
- AugustianFarmsLLCSoilTests.Rpt-Last2yrs. Manure