

# Midwest Environmental ADVOCATES

*pro bono publico*

February 23, 2006

Hon. James Doyle, Governor  
State of Wisconsin  
P.O. Box 7863  
Madison, WI 53707

**Re: Request for State of Emergency Proclamation Pursuant to Wis. Stat. § 166.03.**

Dear Governor Doyle:

On behalf of the undersigned homeowners and rural residents of the Town of Morrison in southern Brown County, Midwest Environmental Advocates is writing to you to request that you proclaim a State of Emergency for the Town of Morrison pursuant to your authority in Wis. Stat. § 166.03(1)(b)1(2006).

Approximately 36 of 144 wells in the area surrounding the Village of Wayside in the Town of Morrison have been declared bacteriologically unsafe by the Wisconsin Department of Natural Resources (“DNR”) and/or the Brown County Land Conservation Department. The DNR has issued a “boil water” notice for the Wayside area, and has determined that the wells are contaminated with coliform bacteria. The DNR has confirmed that approximately four wells, to date, have been contaminated with harmful *e.coli* bacteria. Maps prepared by the Brown County Land Conservation Department showing the location of fractured bedrock and the location of the contaminated wells are attached.

The DNR has established an enforcement standard for *e.coli* and total coliform bacteria of zero (“0”). This means that there is no safe level at which water contaminated with bacteria should be consumed by anyone, particularly children and the elderly. This also means that the families whose wells have been contaminated have been without a permanent, reliable and safe source of drinking water for the past several weeks.

Other than free bottled water and limited advice from the DNR, these families have received no formal assistance in obtaining a permanent and safe drinking water supply, and have not received any assurance that their wells will not become contaminated again in the future.

Although the specific cause of the well contaminations is yet unknown, we understand that the DNR and the Brown County Land Conservation Department are currently investigating and reasonably suspect the cause to be related to manure discharges. We also understand that the

1

Village of Wayside has sewer service. As a result, residences in the area do not use septic systems, indicating that septic systems are a highly unlikely cause of the well contaminations.

You have the authority under Wis. Stat. § 166.03(1)(b) to proclaim a state of emergency for any portion of the state and issue orders necessary to secure persons or their property. Specifically, Wis. Stat. § 166.03(1)(b) provides:

(b) The governor may:

1. Proclaim a state of emergency for the state *or any portion of the state* if he or she determines that an emergency resulting from...natural or man-made disaster exists. ...The duration of such state of emergency shall not exceed...30 days as to emergencies resulting from natural or man-made disaster unless...extended by joint resolution of the legislature.

...

4. During a state of emergency, declare priority of emergency management contracts over other contracts, allocate materials and facilities in his or her discretion, and take [and] use...private property for emergency management purposes. Such taking [or] use...shall be in the name of the State.

...

5. During a state of emergency, issue such orders as he or she deems necessary for the security of persons and property.

Wis. Stat. § 166.03(1)(b)1., 4., and 5 (emphasis added).

Based on the foregoing, we request that you proclaim a State of Emergency in the Town of Morrison. Such proclamation should include the following terms:

1. *A 30-day moratorium on all land applications of waste or any other activities that may contaminate private wells within the Town of Morrison, or any other area which may reasonably cause or contribute to groundwater contamination in the Town of Morrison.*

Your authority to issue this moratorium is found in Wis. Stat. § 166.03(1)(b)1. and 5.

This moratorium is necessary to allow the DNR and the Brown County Land Conservation Department to preserve the *status quo* while those agencies continue their investigation of the source of the well contaminations. Without such a moratorium, new potential sources of contamination may arise, cause well contamination, and confound those agency's efforts to find a specific source.

The above-moratorium will also help provide a limited assurance that the families whose wells have been contaminated will not endure repeated well contamination during the 30 day period.

2. *A provision for a safe and alternative means of disposal of land applied waste generated and stored within the Town of Morrison during the 30-day land applied waste (including manure) application moratorium. Such alternatives could include emergency storage by livestock facilities that have excess waste storage capacity during the 30 day period.*

Your authority to identify and temporarily use the excess storage capacity of other livestock facilities and waste storage facilities is found in Wis. Stat. § 166.03(1)(b)4.

An alternative means of land applied waste disposal during the course of the 30 day moratorium is necessary to address the realities of waste management in Wisconsin. It is likely that there are livestock facilities who will offer their excess storage capacity to prevent and avoid any need for land applied waste applications during the 30 day moratorium.

3. *Emergency funding to provide a permanent and safe potable water supply for Town of Morrison residents whose wells have been contaminated.*

Your authority to provide and allocate the above funding can be found in Wis. Stat. § 166.03(1)(b)3, 4, 5 and 6.

This emergency funding is necessary to provide a source of potable water to the residents of the Town of Morrison whose wells have been rendered unusable by bacterial contamination. It may be possible to provide for point-of-use water treatment devices that are less expensive than drilling a new drinking water well. Regardless, it is impossible to live, let alone raise a family and care for children and elderly, without safe and reliable source of drinking water.

Many residents of the Wayside area in the Town of Morrison are without a safe and reliable water supply. This situation is unacceptable anywhere in the United States, and particularly in Wisconsin, a state which is widely recognized as a safe and clean place in which to raise a family.

4. *Emergency well-testing by qualified DNR staff persons for any resident of the Town of Morrison who requests such testing.*

Your authority to provide such well-testing can be found in Wis. Stat. § 166.03(1)(b)3 and 5.

The Wisconsin State of Laboratory of Hygiene can provide this service through DNR staff. Alternatively, private commercial laboratories may also donate this service free of charge to Town of Morrison residents. Continued well-testing is necessary for those persons within the Town of Morrison whose wells are not yet contaminated, but where continued testing may reveal such contamination.

5. *Immediately issue a 60-day emergency advisory to all areas of northeastern Wisconsin which have shallow, fractured bedrock that renders those areas susceptible to groundwater contamination during periods of snow-melt and spring runoff, particularly from land applied waste applications. Such an advisory should urge rural residents in heavily agricultural areas to have their water tested for bacteria and identify the means and methods for such testing.*

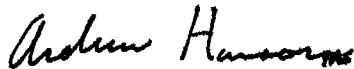
Your authority to issue the above emergency advisory can be found in Wis. Stat. § 166.03(1)(b)5. This advisory is necessary to provide for the security of persons and their property, insofar as it helps them detect well contamination and avoid exposure to harmful bacteria.

We urge you to proclaim a state of emergency to protect public health and safety, as you have done in the past with Wisconsin communities stricken with natural or man-made disaster to ensure that the damage done as the result of the well-contaminations in the Town of Morrison can be minimized, isolated, and repaired.

Thank you for your attention to this most urgent matter.

Sincerely,

**MIDWEST ENVIRONMENTAL ADVOCATES, INC.**



Andrew C. Hanson  
Staff Attorney

**Signatories Attached**

**On Behalf Of:**

**Name:**

Jeff and Kathryn Gibbons

**Address:**

3668 Wayside Rd  
Greenleaf W; 54126

Gouvorner Doyle,

My wife and I detected odor (manure odor) in our well water Jan 26<sup>th</sup>. After being tested, the water was deemed unsafe. Because my wife runs a beauty salon we saw it necessary to drill a new well immediately. This cost us in excess of \$8500.00. We by no means are wealthy and are forced to go deeper in debt because of something that could be avoided by proper regulations. Regulation of farm waste must be regulated and strongly enforced.

If our new well becomes contaminated and our well is tested unsafe we will be forced to close the beauty salon. This will more than likely lead to filing for bancruptcy. Please, we need your help

Sincerely,  
Jeff & Kathryn  
[Signature]

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On Behalf Of:

Name: Lloyd and Colleen Stanelle  
Address: 8290 County Rd. W Greenleaf, WI 54126  
Phone: 920-864-2489

On November 10, of 2005, I had a chest X-ray, and an MRI of the chest and also an Ultrasound or Echo exam of the abdomen. I had been to my doctor once before with previous symptoms before he ordered these tests. I was having pain on my right side under the ribs, and on the right dorsal side. My kidney's felt sore, almost as if they were bruised and I was also experiencing stomach pain, with occasional diarrhea. The tests all came back normal, and they were unable to find anything wrong with me. The symptoms would go away for three or four weeks and I would feel fine, and things would just start all over again.

In December, I was notified that the company I worked for was down sizing by seniority. With having only six and a half years in at Georgia-Pacific I was notified that December 12<sup>th</sup> would be my last day. So Currently, my husband Lloyd is the main provider. I am attending NWTC full time. With the unexpected loss of my job, and with the possibility of having to drill a new well, things are a bit stressful. Where will we get the money to dig a new well? The price of a normal well, which is a couple hundred feet deep usually costs around \$10,000. The problem doesn't stop there, people in this area with wells that are a couple of hundred feet deep are experiencing some of the same problems as the people with shallower wells. So ultimately we are going to have to dig extremely deep wells.

The thing that upsets me the most is that when our water test came back with coliform and Fecal/E. Coli I contacted the DNR, and spoke with a Gary Paplham. I explained the situation that our water was contaminated, and I knew that the DNR had been to my neighbors, Joel Reetz's, and to Stacy Propson's house to get samples to test. We were about the fourth, or fifth household in town to get our water tested. Gary Paplham's response to me was "why do you want me to come test it, you know it's bad." My thoughts were: "how are you are you going to determine what is polluting our wells if you don't test it? "Shouldn't we be notifying the whole neighbor hood?" We have businesses operating here, the Bank , DeGreef's Bar & Restaurant and also Wayside Lanes that serves food. His response was, "that would be the neighborly thing to do." He told me, "basically your going to want to go a head and dig a new well because once you get Coliform and Fecal/E. Coli, it doesn't just go away."

Gary Paplham contacted me on February 13<sup>th</sup>, one week to date from the original conversation that we had. He asked me If he could come out and take a sample of our water. I was livid! We chlorinated our well on the evening of the 12<sup>th</sup>.

If the DNR isn't going to do everything that they possibly can to isolate this problem, who can we turn to? Another thing that concerns me is, the fact that we have to bathe our young son in this water. What possible effects can it have on him?

Sincerely,

*Colleen J. Stanelle*

On Behalf Of

Name: Danielle Propson

Address: 8285 Cnty Rd W  
Greenleaf, WI 54126

To Whom It May Concern:

Approximately one week ago I was informed by my neighbors/family that our drinking water was possibly unsafe to drink due to harmful bacteria. Up until that point I was unaware that unsafe water was even an issue.....but now that I do know that may explain some of the issues that have been going on in my household. Both of my dogs have suffered from diarrhea for the past month...is it the water?? I don't know for sure but since they have been switched to bottled water (7 days ago), and on medication the diarrhea is almost completely gone.

My fish unfortunately didn't fare so well. I came home yesterday to what looked like a fish "mass suicide". 9 days ago I did a water change and I can only assume that the water played a big part in this. Yes, they're only fish but it's just the point of the matter.

I received results of the water that was taken from my well today and it revealed that the well contains coliform bacteria. Having an education in microbiology I know that this type of bacteria can be very harmful and although it needs to be fixed I don't believe we as home owners should be totally financially responsible. Whether it be natural environmental issues or human inflicted, we as homeowners have no control over that.

I personally would be extremely unhappy if I have to pay to have a new well drilled on my property. I'm between jobs, and job or no job, I can't afford thousands of dollars to have my well extended or an entirely new one drilled. In the near future my home may very possibly be for sale.....I don't think a history of contaminated soil/water would be beneficial in finding a buyer. People don't want to purchase a home in an area that has unsafe drinking water. They want their families, neighbors, pets etc, to be safe.

Thanks for taking the time to read this.

Sincerely,

*Danielle  
Propson*

**On Behalf Of:**

**Name:**

Melvin Bonner

**Address:**

3795 Park Rd

Brown leaf, WI 54126

**On Behalf Of:**

**Name:** Bob Bonness *Bob Bonness*

**Address:** 3795 Lark Rd  
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**On Behalf Of:**

**Name:**

Markus Dantine

**Address:**

3986 Coopersdown Rd Denmark WI 54208

**On Behalf Of:**

**Name:** Rick Rosenbaum

**Address:** 8025 Wendland Dr.  
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**On Behalf Of:**

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Betty Rosenbaum

**Address:**

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**On Behalf Of:**

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**On Behalf Of:**

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**Address:**

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**On Behalf Of:**

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**Address:**

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**On Behalf Of:**

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**Address:**

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On Behalf Of:

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**On Behalf Of:**

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**On Behalf Of:**

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**On Behalf Of:**

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**On Behalf Of:**

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**On Behalf Of:**

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**On Behalf Of:**

**Name:** Loos Orister

**Address:** 4038 Mill Rd. Greenleaf W: 54126

**On Behalf Of:**

**Name:**

Jackie Flaum

**Address:**

329 Park Rd  
Greenleaf WI 54126

Please take care of our H&O  
in the town of Morris.   
Thank you.

**On Behalf Of:**

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Rick Masley

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**On Behalf Of:**

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