

Midwest Environmental ADVOCATES

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CITIZENS CHALLENGE CRAWFORD COUNTY DECISION TO APPROVE EXPANDING HOG OPERATION

Crawford County, WI -- On behalf of a group of twenty-eight residents of Crawford County, Midwest Environmental Advocates has filed an appeal of a license for the expansion of a confined hog operation in Wauzeka, Wisconsin. The appeal, which was filed with Wisconsin Livestock Facilities Siting Review Board, asserts that Crawford County issued a license allowing Roth Feeder Pigs, Inc. to expand its hog operation despite the fact that its Nutrient Management Plan (NMP) falls short of required state standards. Crawford County has enacted a local ordinance under the state Livestock Facilities Siting Law that requires livestock operators seeking to expand to apply for a local license. The twenty-eight parties to the appeal live or own land within two miles of the Roth operation, and will be impacted by the planned expansion.

“Leading experts in nutrient management and groundwater protection have shown that, if Roth follows the NMP included in its application, excessive amounts of harmful nutrients may reach the area’s waters,” says Jamie Saul, Staff Attorney for Midwest Environmental Advocates. “Crawford County must ensure that state standards have been met prior to issuing a license.” As a recent report by the River Alliance of Wisconsin reveals, nutrient management planning must be consistent and based on sound science if it is to prevent excessive nutrient runoff.

The appeal is based upon the efforts of the neighbors and other members of the Crawford Stewardship Project (CSP) to take action to protect their drinking water, air quality, and public health from the expected impacts of the hog facility’s expansion. Dozens of citizens gathered studies and solicited reviews by leading experts of Roth’s application and NMP. This data was submitted to the Crawford County Land Conservation Committee to demonstrate that Roth’s application does not meet the standards required by law. Despite the NMP’s significant shortcomings, the County approved the application – putting Wauzeka’s natural resources and public health at risk.

“Our members are concerned that the careless expansion of the Roth hog operation will threaten the water we drink and the air we breathe,” says Jennifer Nelson, Director of the CSP. The Crawford Stewardship Project is not a party to the appeal, but is committed to promoting

methods of agriculture that are safe, humane, profitable, and environmentally sustainable, while preserving economic opportunities for all citizens.

“There is a second culprit here, and that is the Livestock Facilities Siting Law itself,” says Mr. Saul. “The law, while giving some minor protections to those communities that choose to use it, strips away a community’s ability to just say ‘no’ to factory farms. It paves the way for increasingly large confined feeding operations in Wisconsin.” The Siting Law creates a convoluted regulatory scheme for livestock facilities, only to leave it in the hands of local governments that may not have the resources to administer it.

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FAST FACTS:

- Wisconsin’s Livestock Facilities Siting Law (Wis. Stat. § 93.90) and Rule (Wis. Admin. Code ATPC § 51) allow local governments to require a license for the siting or expansion of livestock operations above 500 animal units in size.
 - Towns or counties with a livestock siting ordinance in place must verify that an applicant meets certain minimum standards for odor control, nutrient management, waste storage, and runoff prevention. But the law has no effect if it is not invoked by the local government by ordinance.
 - The Siting Law makes it exceedingly difficult for a local government to apply standards that are more protective than the state standards included in the law itself. The law also largely prevents local governments from using their traditional zoning powers to keep mega-farms out of their communities altogether.
 - The Siting Law created a new appeals process, by which aggrieved persons (including those who live or own land within two miles of the livestock facility) may challenge a local license to the seven-member Livestock Facilities Siting Review Board.
- The Wisconsin River Alliance has recently released a report assessing the current effectiveness of nutrient management planning. The report, entitled *Can We Plan Our Way to Cleaner Water? A Review of Nutrient Management Planning in Wisconsin*, is available on the River Alliance website: www.wisconsinrivers.org
- Midwest Environmental Advocates is Wisconsin’s first and only public interest environmental law center. MEA provides legal and technical support to grassroots organizations that are fighting for clean air, clean water, and environmental justice. See www.midwestadvocates.org for more information.