

# Midwest Environmental ADVOCATES

*pro bono publico*

FOR IMMEDIATE RELEASE  
November 22, 2005

Contact: Andrew C. Hanson  
608-251-5047 ext. 2 (w)  
608-628-2429 (c)

## **Rural Wisconsin Family Achieves Settlement in Federal, State Lawsuits Against Livestock Factory for Well Contamination and Stream Pollution**

**Luxemburg, WI** – A rural Wisconsin family in Kewaunee County today announced a settlement worth \$380,000 in their federal and state lawsuits to clean up and prevent pollution caused by Stahl Farms, a 900 cow concentrated animal feeding operation, in Kewaunee County. The settlement is awaiting review and approval by state and federal courts.

In June of 2004, the Tremls filed a federal lawsuit against Stahl Farms, alleging in part that Stahl had spread 84,000 gallons of liquid manure in late spring of 2004 on a field across the road from their farmhouse. The liquid manure and snow-melt seeped into their well and ran off into a tributary of School Creek that runs along their property. Every member of the Treml family, including then seven month old infant, Samantha, became seriously ill from exposure to the contaminated water.

“This case shows how my family, my children, and every other rural Wisconsin family is threatened by manure spreading on frozen and snow-covered ground. This isn’t just about protecting trout streams. This is about keeping kids out of hospitals, including my daughter. The practice should be banned – period,” said Scott Treml, whose infant was rushed to the hospital for emergency care after showing symptoms of e.coli poisoning in early March of 2004.

“The DNR and agribusiness groups shouldn’t wait until a child is killed by e.coli poisoning to ban manure spreading on frozen ground by livestock factories. It’s only a matter of time until that happens if the DNR continues to allow this dangerous practice,” Treml continued.

The settlement requires Stahl to pay the Treml family \$80,000 as compensation for their illnesses, medical bills, private well replacement, property damage, and other pain, suffering, and inconvenience as a result of contaminating their water. The award also includes a settlement payment to the Tremls’ children for their illnesses and medical bills.

“We were able to show that a specific livestock factory contaminated a rural family’s well by spreading liquid manure on snow-covered ground,” said Andrew Hanson, attorney with Midwest Environmental Advocates, Inc., a nonprofit environmental law center representing the Treml family. “Groundwater contamination by manure can be proven with limited but careful

702 E. Johnson St., Madison, WI 53703  
Telephone 608.251.5047 Fax 608.268.0205  
E-mail: [advocate@midwestadvocates.org](mailto:advocate@midwestadvocates.org) Web: [www.midwestadvocates.org](http://www.midwestadvocates.org)

investigation, and we hope this sends a message to the State that they need to ban this outdated and dangerous practice in its new manure spreading regulations for concentrated animal feeding operations such as Stahl Farms.”

“Sadly, this happens too often in rural Wisconsin,” said Hanson. “Well contamination by agribusiness is Wisconsin’s dirty little secret, and the Tremels had the courage to expose it by taking their case to court.”

Hanson was referring to the recent statistic that, in 2004 and 2005, more than 30 private wells in northeastern Wisconsin were contaminated by manure or other byproducts of producing milk, such as whey. The thin top soil and shallow bedrock common in northeastern Wisconsin, including Door and Kewaunee Counties, makes the area susceptible to groundwater contamination.

Three months after the Tremels filed suit, the State of Wisconsin filed a separate lawsuit in Kewaunee County Circuit Court, which focused only on Stahl’s discharges of manure to School Creek and for failing to meet the requirements of Stahl’s DNR-issued pollution discharge permit. The Tremels intervened as plaintiffs in the State’s lawsuit to ensure that the outcome of that case would not undercut their efforts to enforce Stahl’s discharge permit in federal court.

In addition to compensation to the Tremels, Stahl will also be required to pay up to \$100,000 in civil penalties to the State of Wisconsin for violating his water pollution discharge permit. The settlement requires Stahl to implement approximately \$200,000 worth of environmental improvements at the concentrated animal feeding operation, including enlarged manure storage structures, runoff control measures, and feed runoff containment systems.

#####

## Fast Facts

- Midwest Environmental Advocates is Wisconsin's first and only non-profit, public interest environmental law center. Midwest Environmental Advocates provides legal representation and community organizing assistance to groups that are working to protect air and water resources. For more information, go to [www.midwestadvocates.org](http://www.midwestadvocates.org).
- Stahl Farms is a Concentrated Animal Feeding Operation ("CAFO") Of the almost 17,000 livestock dairy farms in Wisconsin, 109 are classified by the WDNR as CAFOs, or dairy livestock farms that have 700 or more milk cows.
- The settlement agreements in state and federal court are awaiting approval by those courts. If approved, the settlements will require Stahl Farms to:
  - Pay \$80,000 in damages to the Treml family;
  - Refrain from spreading any manure from December 1 to April 1 on the field directly to the south of the Tremls' home, the source of their well contamination;
  - Immediately comply with other manure spreading restrictions on frozen and snow-covered ground proposed in DNR regulations;
  - Pay up to \$100,000 in forfeitures to the State of Wisconsin; that amount will be reduced to \$50,000 if Stahl makes environmental improvements according to a timeline set forth in the settlement agreement in state court;
  - Create larger manure storage structures to avoid spreading on frozen and snow-covered ground;
  - Install a runoff containment system for its feed storage areas;
  - Install runoff controls for other areas of the operation;
- DNR records indicate that Stahl Farms has been discharging animal waste from its feedlot and waste spreading fields on an intermittent basis for more than 20 years, despite receiving thousands of dollars in financial assistance from the Wisconsin Department of Agriculture to prevent the pollution.
- The Wisconsin Department of Natural Resources issued a discharge permit to allow Stahl Farms to expand its CAFO in July of 2003, despite the long history of pollution.
- After Stahl Farms spread animal waste near the Tremls' home in late February of this year, the Tremls' well became unsafe for human consumption. Test results showed that the well became contaminated with 2,500 colonies of *E.coli* bacteria and 9,800 colonies of fecal coliform bacteria.