



FOR IMMEDIATE RELEASE

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Contact: Melissa Scanlan
Senior Counsel
Midwest Environmental Advocates
(414) 688-4171

Cheryl Nenn
Milwaukee Riverkeeper
Friends of Milwaukee's Rivers
(414) 975-9827

Conservation Groups Initiate Clean Water Act Enforcement Action in Response to Clear-Cut Near Estabrook Falls

Milwaukee, WI – Yesterday, Friends of Milwaukee's Rivers, through its attorneys Midwest Environmental Advocates, sent a notice of intent to sue under the Clean Water Act to Greater Milwaukee area companies Heartland Development Group, Ltd. and ACT Planning and Development, LLC for their recent clear-cut of approximately 5 acres of vegetation adjacent to the Milwaukee River in Glendale.

"The devastating clear-cut of vegetation on land abutting the Milwaukee River is a clear violation of the Clean Water Act because the companies acted without the proper storm water discharge permit from the Wisconsin Department of Natural Resources (DNR)," according to Melissa K. Scanlan, Senior Counsel, Midwest Environmental Advocates. For construction projects affecting more than one acre, the DNR requires a permit that requires the developer to establish the means to manage, as well as limit, storm water runoff from the site. This permit also includes specific language that requires the developer to have and comply with an Erosion Control Plan.

Friends of Milwaukee's Rivers is concerned that the failure of these companies to abide by clean water laws will harm the Milwaukee River. "The timing of this couldn't have been worse," said Cheryl Nenn, Riverkeeper for the Friends of Milwaukee's Rivers. "With the end of the growing season, it is very unlikely this site will be able to be stabilized any time soon, which means a lot more sediment is likely to run off into the already impaired Milwaukee River," explained Nenn.

The site, which is near the Estabrook Falls on the Milwaukee River, has long provided access to the river for area anglers and paddlers.

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FAST FACTS

- The developer and contractor failed to obtain the Wisconsin Department of Natural Resources General WPDES Permit for Construction Site Storm Water Runoff. This permit:
 - Requires the owner of construction sites with land disturbing activity of one acre or more that may have storm water discharges to file a Notice of Intent (“NOI”) with either the Department of Natural Resources or the Department of Commerce;
 - Requires the owner to develop an erosion control plan designed to achieve a reduction of 80% of the sediment carried in storm water runoff; and
 - Includes various minimum erosion prevention requirements, such as the management of overland flow and the stabilization of drainage ways.

- Friends of Milwaukee’s Rivers’ (FMR) is a non-profit organization dedicated to protecting water quality and wildlife habitat and advocating for sound land use in the Milwaukee River Basin. FMR is a member of the Waterkeeper Alliance, an international coalition dedicated to protecting and restoring our world’s waterways, and is the licensed Riverkeeper® for Milwaukee.

- Midwest Environmental Advocates, Inc. (MEA) is a non-profit environmental law office committed to protecting the public’s right to clean air, clean water, clean government, and responsible land use.