

Midwest Environmental ADVOCATES

pro bono publico

April 22, 2008

For Immediate Release

Livestock Facility Siting Review Board Reverses Crawford County Decision on Hog Confinement Expansion

Contacts: Jamie Saul, Midwest Environmental Advocates, 608-251-5047 x1
 Jennifer Nelson, Crawford Stewardship Project, 608-476-2301

Madison, WI -- In a decision that bodes well for clean water, the Wisconsin Livestock Facility Siting Review Board voted on Friday to reverse Crawford County's decision to allow the expansion of a hog confinement facility near the Wisconsin River in Wauzeka, WI. The Board reviewed the application for facility expansion prepared by Roth Feeder Pigs, Inc., found portions of it to be internally inconsistent, and expressed concerns with regard to the nutrient management data submitted by Roth. Local approval is required for such expansions in Crawford County under Wisconsin's Livestock Facilities Siting Law and county ordinance.

A challenge to the County's decision to issue a license to the Roth facility had been brought by Midwest Environmental Advocates on behalf of twenty-eight affected neighbors who live or own land within two miles of the facility. The challenge asserted that portions of the application submitted by Roth did not meet the state standards for nutrient management, which put local drinking water and the lower Wisconsin River watershed at risk for nitrate, phosphorous, and bacteria contamination. Mr. Ron Stadler, a landowner near the Roth facility, brought a separate challenge on similar grounds.

"The Board rightly found this facility's plan to pollute unacceptable," said Jamie Saul, Staff Attorney with Midwest Environmental Advocates. "It was clear from the start that this facility's application did not meet the standards for nutrient management required by state law." Proper nutrient management planning is essential to protect land and water from over-application of livestock manure.

"We are pleased that the Board took an in-depth look at the application and made the right decision," said Bob Lenz, one of the twenty-eight neighbors who were named in the challenge. Concerned neighbors and members of the Crawford Stewardship Project (CSP) worked hard gathering information and presenting compelling testimony on the environmental and public health risks associated with this hog facility to the Crawford County Land Conservation Committee, who nonetheless voted to approve the expansion in January.

“The Crawford Stewardship Project is very pleased that the Board took its role seriously, looked at the record objectively, and by reversing the County’s decision took a stance to protect our air and water as required by law,” stated Jennifer Nelson of the CSP.

While the decision of the Board is binding on Crawford County, nothing prevents Roth from re-applying for local approval under the Livestock Siting Law. The County itself has the option of appealing the Board’s decision to circuit court. In addition, Roth must acquire a wastewater discharge permit from the Department of Natural Resources, which is mandatory for all livestock operations that house 1,000 animal units or more on site.

###

Fast Facts

- Wisconsin’s Livestock Facilities Siting Law and the Siting Rule issued by the Department of Agriculture, Trade, and Consumer Protection (DATCP) limit the extent to which local governments may restrict new or expanding livestock operations. Under the law, local governments such as Crawford County may require a local license for such operations, but in most cases may not prohibit or impose local conditions on livestock facilities.
- The Siting Rule requires a license application to be complete, credible, and internally consistent, and demonstrate basic compliance with five substantive standards concerning:
 - Runoff management
 - Livestock structures
 - Waste storage structures
 - Odor management
 - Nutrient management.
- The Siting Law created a new seven-member administrative body, known as the Livestock Facilities Siting Review Board, whose purpose is to hear challenges to local decisions made under the Siting Law. Only those persons who are “aggrieved” (including the applicant and any person who lives or owns land within two miles of the livestock facility) may challenge a local decision to the Board.
- 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.
- The Crawford Stewardship Project (CSP) is a community organization that is committed to promoting methods of agriculture that are safe, humane, profitable, and environmentally sustainable, while preserving economic opportunities for all citizens. The CSP was not a party to the challenge.