

Midwest Environmental ADVOCATES

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For Immediate Release

Wisconsin Ethanol Plants Continue to Violate Clean Water Act; Local Citizens File Notices of Intent to Sue

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Madison, WI – Today, Midwest Environmental Advocates filed two separate notices of intent to sue Utica Energy in Oshkosh and Didion Ethanol in Cambria for a combined total of more than **4,994 documented violations** of the federal Clean Water Act. Midwest Environmental Advocates filed the notice of intent on Utica Energy on behalf of Clean Water Action Council of Northeastern Wisconsin, and filed the notice of intent on Didion Ethanol on behalf of private citizens of the Village of Cambria. The notices allege continuous illegal discharges of chlorine, zinc, phosphorus and other pollutants into area waters.

Clean Water Action Council of Northeastern Wisconsin and private citizens in Cambria fear that the companies are not responding to efforts of the Wisconsin Department of Natural Resources (WDNR) to bring them into compliance with state and federal environmental laws. While WDNR has issued a notice of violation to one of the facilities, both Utica Energy and Didion Ethanol continue to dump pollutants into waterways in Winnebago and Columbia Counties at amounts that exceed the limits required by law. Clean Water Action Council of Northeastern Wisconsin and citizens of Cambria are demanding that these companies clean up their act and pay penalties for their violations.

The blatant disregard of water quality laws provides an unfair advantage to these ethanol plants, especially in these difficult economic times. “Corn ethanol in Wisconsin continues to be an environmental bust, not an environmental boon,” says Karen Schapiro, Executive Director of Midwest Environmental Advocates, attorneys for both Clean Water Action Council and the private citizens. “It has become too easy for these types of facilities to flout both state and federal environmental laws, unfairly benefiting those that shirk their social and environmental responsibilities. Though all ethanol facilities are feeling the economic pinch, those that violate the law should be held accountable.”

The notices of intent to sue provide Utica Energy and Didion Ethanol sixty days to address their violations of the Clean Water Act. After sixty days, Clean Water Action Council and the citizens of Cambria can bring suit against the facilities in federal court.

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Fast Facts

- The Clean Water Act (CWA) prohibits the discharge of pollutants to waters of the United States except in accordance with a permit issued by the U.S. Environmental Protection Agency or a state that operates an EPA-approved permit program, such as Wisconsin's Pollution Elimination Discharge System (WPDES) program. The citizen suit provision authorizes citizens to commence a civil action against any person who is alleged to be in violation of an effluent limitation or other term or condition contained in a permit. Citizens are required to give sixty days' notice of their intent to sue. In a citizen suit, plaintiffs are entitled to seek injunctive relief to bring violators into compliance with the CWA and the imposition of civil penalties as authorized by the Act.
- Utica Energy in Oshkosh, Winnebago County, Wisconsin, was constructed in 2002, and discharges wastewater consisting primarily of noncontact cooling water, boiler blowdown, and potable water treatment waste through a single outfall to a tributary of Sawyer Creek, a tributary of the Fox River, in the Lake Butte des Morts Watershed in the Upper Fox River Basin.
- Didion Ethanol in Cambria, Columbia County, Wisconsin, was constructed in 2008, and discharges wastewater consisting of cooling tower blowdown, reverse osmosis reject water, and filter backwash from a process used to polish the groundwater intake to the ethanol production process through a single outfall to an unnamed tributary of the North Branch of Duck Creek, a tributary to Tarrant Lake in the heart of the Village of Cambria.
- The Clean Water Action Council (CWAC) is a non-profit citizen organization, founded in 1985, working to protect public health and the environment in Northeastern Wisconsin. CWAC works to increase public awareness of the many threats to water quality, and to build support for improved management. CWAC may be reached through Rebecca Katers, Executive Director, at (920) 468-4243 or rkat@new.rr.com.
- Midwest Environmental Advocates (MEA) is the first and only non-profit environmental law center in Wisconsin. MEA provides legal and technical support to grassroots groups that are working for environmental justice in the Western Great Lakes region. More information is available at www.midwestadvocates.org.