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Citizens Reach Agreement with Didion Ethanol Over Water Pollution Discharge

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Today a group of concerned citizens based in Cambria, Wisconsin announced an agreement settling their claims related to Didion Ethanol LLC's discharge of polluted wastewater to the Duck Creek watershed. The citizens brought the suit under the Citizen Suit provision of the Clean Water Act in April 2009 to remedy ongoing violations of the facility's wastewater discharge permit. Just weeks earlier, in a separate enforcement action, the Wisconsin DNR held Didion Ethanol financially responsible for numerous violations of its wastewater discharge permit.

"This is a huge win for both the community and for all Wisconsin citizens wishing to protect public health and preserve important natural resources," said Betsy Lawton, staff attorney for Midwest Environmental Advocates, a non-profit environmental law center representing the citizens. "These citizens should be applauded for their hard fought success and dedication to clean water and clean communities."

As part of the settlement, Didion Ethanol will provide funding for critical environmental improvement projects in the surrounding community, including increased water quality monitoring, conservation projects, and building a pier to access Tarrant Lake. Didion Ethanol's wastewater discharge pipe has been capped, and the facility is no longer authorized to discharge polluted wastewater pursuant to a water pollution permit.

"The federal district court found Didion Ethanol had violated the terms of its water pollution permit on several occasions since it began operating in April 2008, and we are pleased that Didion will no longer discharge wastewater to the detriment of our public lakes and stream," said plaintiff Roger Springman, "this settlement holds the facility responsible for its pollution and will bring major benefits for the community."

"We are very pleased that Didion has finally agreed to settle our case and are looking forward to seeing the community improvement projects once they are finished," said John Domino, one of the citizen plaintiffs. "We're also gratified that the state finally recognized the problems at this facility and took action. This settlement and the DNR's penalties should send a message to other companies that you can't pollute, harm a community and just get away with it."

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Fast Facts:

- Didion Ethanol, LLC is located near Cambria, Wisconsin a town of approximately 800 people located in Columbia County.
- On April 26, 2010 the Wisconsin Department of Justice announced that it had simultaneously filed and settled an environmental enforcement action against Didion Ethanol. In that action Didion Ethanol agreed to pay \$525,000 in penalties and costs to the state of Wisconsin for air pollution and wastewater violations, including those wastewater violations alleged by the citizens in their April 9, 2009 Citizen Suit complaint. The wastewater violations alleged in the State's enforcement complaint included the discharge of pollutants to the waters of the state without a permit; violations of sampling, monitoring and testing requirements; and exceedances of the facility's permitted discharge of effluent, additives, and floating solids.
- 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 CWA "citizen suit" provision authorizes citizens to commence a civil action against any person who is alleged to be in violation of a term or condition contained in a WPDES permit. 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.
- Midwest Environmental Advocates, Inc. (MEA) is a nonprofit, environmental law firm with offices in Madison and Milwaukee. MEA provides legal and technical support to grassroots groups that are working for clean air, clean water, and environmental justice in the Western Great Lakes region and Upper Mississippi River Basin. More information is available at www.midwestadvocates.org.