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Centerville CARES Praises DNR Decision to Formally Prosecute Maple Leaf Dairy

Cleveland – Centerville Citizens for Air, River, and Environmental Solutions (“Centerville CARES”) today praised the Department of Natural Resources (“DNR”) decision to refer Maple Leaf Dairy, Inc. to the Wisconsin Department of Justice for formal prosecution for alleged manure spills that occurred in September and October of 2005.

Maple Leaf Dairy confines approximately 4,000 dairy cattle in large confinement structures near two tributaries that drain to Lake Michigan. Maple Leaf Dairy stores the millions of gallons of liquid manure from the animals in open air storage pits at the facility, and then applies the liquid manure on nearby fields.

“Centerville CARES had previously hired an expert who outlined the potential for manure spills by Maple Leaf Dairy and requested preventive measures be taken in the facility’s permit,” said Andrew Hanson, staff attorney at Midwest Environmental Advocates, the nonprofit environmental law center that represents Centerville CARES.

One of the manure spills allegedly killed thousands of fish in Fisher Creek, a small tributary to Lake Michigan. DNR records indicate that Maple Leaf Dairy applied the liquid manure on a field next to Fisher Creek in early September of 2005, some of which then discharged to the creek. A fishkill followed.

In an October 2005 incident, DNR records indicate that liquid manure from Maple Leaf Dairy’s animal confinement area in one of its large barns, where it houses thousands of cattle, leaked into an underground pipe system, known as “drain tiles,” which then discharged the manure into Fisher Creek.

“Although we believe this could have been prevented, we’re supportive of the DNR’s efforts to enforce the clean water laws of Wisconsin,” according to Russ Tooley, President of Centerville CARES.”

In light of the DNR’s decision to formally prosecute Maple Leaf Dairy, Centerville CARES is voluntarily withdrawing its lawsuit against the DNR for failing to adequately review Maple Leaf Dairy’s environmental impacts.

“Practically speaking, Maple Leaf Dairy’s apparent manure spills have supported what we’ve said all along: that Maple Leaf Dairy’s operation can have devastating impacts on water quality,” Tooley added. “Now, we want the DNR to focus on its prosecution of the spills and ensure that stiff penalties are imposed and environmental improvements are made to prevent these catastrophic spills from happening in the future. If it appears that DNR’s enforcement action is too weak, or if permanent measures to

correct the problems and restore Fisher Creek are not taken, Centerville CARES may move to intervene in the State's prosecution to ensure that its members' right to clean water is protected.”

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 working for clean air, clean water and clean government. For more information, go to www.midwestadvocates.org.
- Centerville CARES is an unincorporated not-for-profit membership association whose mission is to promote policies that protect clean air, clean water, and sustainable agriculture in northeastern Wisconsin.
- In June of 2005, the Manitowoc County Circuit Court ruled that the DNR had failed to adequately analyze Maple Leaf Dairy's impacts on air and water, and specifically noted that Maple Leaf Dairy manure management practices had been linked to a 1998 fishkill in Fisher Creek through subsurface drain tiles.
- In July of 2005, the Court further ruled that the DNR may not issue the most recent water pollution permit to Maple Leaf Dairy until an adequate environmental analysis had been done. The DNR's new analysis was released in October of 2005, around the same time as, and shortly after, the alleged spills to Fisher Creek. As it had done before, the DNR again determined that Maple Leaf Dairy's operation under the new permit would not cause significant environmental impacts.
- Of the almost 17,000 livestock farms in Wisconsin, 140 are classified by the DNR as Concentrated Animal Feeding Operations (“CAFOs”), or dairy livestock farms that have 700 or more milk cows. There are five CAFOs in Manitowoc County.
- The federal Clean Water Act and state law regulate the water pollution generated by CAFOs, requiring CAFOs to prevent discharges of animal waste to rivers and streams.