

Midwest Environmental ADVOCATES

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Jackson County Group Settles Federal Lawsuit Against Sedelbauer Farms, Brings End to Manure Discharges to Trout Streams

Hixton, WI—A rural group of farmers and conservationists in Jackson County and Sedelbauer Farms recently asked a federal court to approve a Consent Decree settling a lawsuit against Sedelbauer Farms, a 2,300 head livestock factory, for polluting nearby trout streams with manure runoff. The earliest the court could act to approve the proposed settlement is approximately 45 days from now.

The Consent Decree requires Sedelbauer to prevent manure discharges to tributaries of Tank Creek and the Trempealeau River, both high quality trout streams recognized by the Wisconsin Department of Natural Resources ("DNR"). In order to do this, the facility will install manure storage, revegetate outdoor animal exercise areas that currently contain manure and exposed dirt, build a confinement facility for the animals, and contain any potential runoff from the feed storage areas. Some estimate that these changes, which are standard operating practices at the majority of livestock factories in Wisconsin, will cost between \$500,000 and \$750,000.

Additionally, the settlement requires that Sedelbauer make a \$3,000 contribution to Wisconsin Trout Unlimited for trout protection in those watersheds, and pay civil penalties, attorney fees, and costs associated with the litigation, for a total bill of \$40,000.

"We're glad that Sedelbauer will take these steps to prevent its manure discharges, but we're disappointed that we had to go to federal court to make it happen," said Clayton Nelson, member of Concerned Farmers and Neighbors of the Town of Hixton. "I am frustrated by the time and expense we had to go through just to get Sedelbauer to stop discharging manure runoff to trout streams. Thank goodness we stopped these manure discharges before there was a fish kill."

"We repeatedly documented manure runoff from Sedelbauer's open cattle lots. We complained to the DNR. We complained to Jackson County. We even spent our own money and hired Dr. Byron Shaw, a recognized expert on manure management, who documented the manure runoff through photographs and water samples. Despite that, the DNR would not take action to immediately stop the discharges," stated Jeff German, member of Concerned Farmers and Neighbors of the Town of Hixton.

"We applaud the local group's efforts to clean up trout streams and thank them for allocating \$3,000 to Trout Unlimited to pay for stream improvements," added Bill Pielsticker of Wisconsin Trout Unlimited.

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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 that are working for clean air, clean water, and clean government. For more information, go to www.midwestadvocates.org.
- Concerned Farmers and Neighbors of the Town of Hixton is a diverse alliance of farmers and conservationists working to protect and the air and water in the Town of Hixton.
- Concerned Farmers and Neighbors of the Town of Hixton is represented by Midwest Environmental Advocates, Inc., the law firm of Bender Law Offices, and the Law Office of Noah Golden-Krasner.
- Sedelbauer Farms, Inc. has received \$220,000 in cost-share assistance from Jackson County since 1999 to improve this facility, but the improvements have failed to prevent manure discharges.
- The settlement has been filed in the U.S District Court for the Western District of Wisconsin, and is currently awaiting review by the U.S. Department of Justice and U.S. Environmental Protection Agency, and final approval by the Court.