



For Immediate Release
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Conservationists Challenge DNR Decision to Issue Water Pollution Permits to Already Fouled Creek

Call on DNR to Prepare Clean-Up Plans for Polluted Rivers and Lakes in Wisconsin

Juda, WI - Wisconsin Environmental Law Advocates ("WELA") recently filed legal challenges to the Wisconsin Department of Natural Resources' ("DNR's") issuance of water pollution discharge permits to two dairy processing facilities, Grande Cheese and Protient, Inc., located in Green County, Wisconsin.

"North Fork Juda Branch Creek is barely alive. The scum and slime coming from Protient and Grande's effluent ditch is suffocating the creek," said Janet Boerboom, a board member of WELA, which filed the legal challenges through its attorneys at Midwest Environmental Advocates, Inc., a nonprofit environmental law center.

Both Protient and Grande Cheese discharge their polluted wastewater to a ditch that joins North Fork Juda Branch Creek at a public playground in the Village of Juda in Green County. North Fork Juda Branch Creek is already severely fouled by dairy processing waste, agricultural runoff and soil erosion.

"The creek can't absorb this pollution," said Rich Lavigne, a WELA board member. "I could barely sit next to the creek, let alone wade into it to cool my feet on a hot summer day. It would be like standing in slime."

"North Fork Juda Branch Creek is a small symbol of a big problem with Wisconsin's approach to regulating phosphorus pollution in public waters," said Andrew Hanson, staff attorney with Midwest Environmental Advocates.

"The DNR is allowing Grande Cheese, and possibly Protient, to increase the amount of phosphorus those companies discharge to North Fork Juda Branch Creek, when that creek is already fouled with slime and weeds that have resulted from previous years of phosphorus pollution," Hanson said.

"The solution is to prepare a clean-up plan for the creek that requires Grande Cheese and Protient to reduce their phosphorus discharges – not allow more of it," Hanson added. Although Wisconsin has designated 604 rivers and lakes as officially polluted, the DNR has finalized clean-up plans for only 26 of them, to date.

"We call on the DNR to meet its duty to prepare clean up plans on rivers and lakes before issuing new pollution permits on those rivers. If a stream will not meet basic standards as the result of the pollution permits, then the DNR's hands are legally tied - it cannot issue the permits," Hanson said.

"Midwest Environmental Advocates and its partners will continue to explore legal challenges to industrial and municipal pollution permits to ensure that the DNR is meeting its duty to prevent unnecessary phosphorus pollution into our public waters," Hanson concluded.

FAST FACTS

Phosphorus is a pollutant that can cause excessive weeds and rotting algae in Wisconsin's streams and lakes that can prevent the public from using and enjoying those waters.

Phosphorus pollution in streams and lakes comes from many sources, including end-of-pipe "point source" discharges and diffuse "nonpoint source" runoff. Nonpoint sources of phosphorus pollution can include runoff from livestock operations, farm fields, and residential lawns. End-of-pipe point source discharges can include dairy processing facilities, municipal wastewater treatment plants, paper mills, and city storm sewers.

The DNR issues permits to point sources of water pollution through the Wisconsin Pollutant Discharge Elimination System ("WPDES"), the goal of which was originally to eliminate the discharge of pollutants to Wisconsin's public waters by 1985 – a date long since past. The DNR regulates "nonpoint sources" through performance standards enacted in state regulations in 2002.

There are 1,101 point source dischargers with WPDES permits in Wisconsin. Of these point sources, only 31% of the facilities have phosphorus limits in their WPDES permits.

Wisconsin has placed approximately 604 of its lakes and streams on the federal Clean Water Act's list of impaired waters. Of those 604 waters, approximately 300 waters are listed as impaired for phosphorus, sedimentation, low dissolved oxygen, nutrients, cloudiness, and bacteria.

The DNR has prepared mandatory "clean up plans" known as Total Maximum Daily Loads ("TMDLs") for only 26 of the 604 impaired waters. Most of the 26 clean up plans are for phosphorus and sediment runoff in agricultural areas.

The DNR states that it lacks funds to prepare clean up plans for the remaining waters. The DNR estimates that it would cost \$7.5 million over 15 years to conduct water quality monitoring to prepare TMDLs for 300 impaired waters.

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 to protect air and water resources. For more information, go to www.midwestadvocates.org.

Wisconsin Environmental Law Advocates is an unincorporated association whose mission is to protect Wisconsin's environmental resources, including air, water, and land, and to ensure compliance with both state and federal environmental laws and regulations. WELA filed a lawsuit against Protient Inc. approximately three years ago to stop the company from discharging excess phosphorus into North Fork Juda Branch Creek. Through its attorneys at MEA, WELA also successfully objected to the DNR's proposal to grant Protient a weaker limit on phosphorus discharges in its WPDES permit.