

Midwest Environmental  
A D V O C A T E S

For Immediate Release

August 28, 2000

For More Information Contact:

Melissa Scanlan, Midwest Environmental Advocates, 608-251-5047

Rebecca Leighton Katers, Clean Water Action Council, 920-437-7304

**LEGAL ACTION RESULTS IN CLOSURE OF LEAKING MANURE PIT**

**Citizens Bring First Legal Challenge to Large Factory Farm Permit and Win**

MADISON, WI Administrative Law Judge Boldt signed an order today approving a settlement between Wisconsin's Department of Natural Resources (WDNR), Tauchen Harmony Valley, Inc. and a coalition of sportsfishers, a family farmer, and environmentalists.

This settlement is a victory for the neighbors and for those who see that clean water is a necessity not a luxury, according to Melissa Scanlan, Legal Director of Midwest Environmental Advocates and attorney for the petitioners. She contends that, The law clearly prohibits these facilities from using our public waterways as sewers. Yet DNR issued this permit without adequately preventing manure from seeping into drinking water and running into a wetland and the nearby Pensaukee River.

Last spring this coalition challenged a permit the WDNR issued to a factory farm in Shawano County because it failed to meet basic state and federal water law requirements. The settlement agreement committed the facility to close an earthen pit that had been documented to leak manure back in 1980. The factory farm also agreed to immediately stop any pollution from running off the facility into surface water and to monitor its ability to prevent runoff on a regular basis.

The petitioners included a neighboring fourth generation small dairy farmer, sportsfishers, and the directors of Clean Water Action Council and Wisconsin's Environmental Decade. They maintained that the DNR approved the permit for the factory dairy farm without adequately examining and controlling the pollution it was causing.

Ivan Klosterman, a petitioner and fourth generation family dairy farmer who lives and farms near the factory is vindicated by the settlement. He stated that, I always said they built that old manure pit too close to the wetland. A small farmer wouldn't be allowed to get away with that and a large farm shouldn't either. It's just a shame that it took legal action to get this pit closed.

For the Moericke family, petitioners who live right across the road from the factory, the settlement highlights the inadequacies of our current laws. Wayne Moericke stated that, Even though the Clean Water Act restricts water pollution from these places, my family still cannot open our windows to enjoy the summer because the odor and dust is so strong. We built in the country to have fresh air not to live next to a factory that operates 24 hours a day.

###