

## Media Contact

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## Justice is Not Served for Emerald, WI Residents Near Massive Manure Spill

Two and half years after a massive manure spill was discovered by anonymous tip at Emerald Sky Dairy in northeastern St. Croix County, a settlement to the case has been reached.

According to the civil complaint filed by the State of Wisconsin, this spill occurred in December 2016, lasted 10 days, and spilled 275,000 gallons of raw waste into wetlands and a storm water pond. The owners did not report this spill within 24 hours, as per state law. An anonymous tip to County staff led to the discovery in March 2017. The spill cleanup contained solid manure totaling 3,455 tons and contaminated storm water equaling eight million gallons, all of which were land spread on area fields in 2017.

The civil complaint also stated E.coli levels in the storm water pond and downstream in the wetlands from the spill registered 8-10 times higher than readings when DNR normally closes a beach due to E.coli contamination.

According to DNR Open Records request, a cluster of homes downstream from the spill reported E.coli contamination in June 2017. DNR was contacted by these homeowners, but did not do any advanced testing to verify the source of this contamination. One homeowner had tested their well water every year for 20 years and never had a problem with E.coli until June 2017. DNR instructed homeowners to bleach their wells and contact them if other issues resurfaced.

Reporter Tony Ends stated in *The Milkweed* (June 2019) in "Huge Wisconsin CAFO Manure Spill Case Settled for only \$80,000" "...Some of these violations of State law ran on for nearly 100 days. Any one of those violations could have carried a \$10,000 per day fine. The actual base fine Emerald Sky agreed to pay was slightly more than \$54,000....." Per this statement, this would have been a 95% reduction in the potential fines assessed.

"Justice Department Staff said they did not know about area residents' E.coli tainted wells, that there was nothing of that from the DNR investigation written into the civil complaint under former state AG Schmiel, who brokered the settlement..." per *The Milkweed's* report.

"Affected residents had no knowledge of this settlement until after the fact.....no opportunity to weigh in with our Justice System and explain how this massive manure spill affected our lives. A pregnant woman, a neighbor receiving cancer treatments, and other elderly populations in the vicinity had no idea their water may have been contaminated for three months," stated Emerald resident Virginia Drath. "The uncertainty and emotional turmoil this created in our community cannot be overstated."

"A local citizen was told by a CAFO owner that *'It's cheaper to pay the fine than it is to fix the problem'*" said Virginia Drath. "This 'slap on the wrist' settlement is the perfect example of everything that is wrong with our CAFO oversight systems, especially when this spill resulted in the largest cleanup of its kind in state history."

Case #19-CX-000002 was filed in St. Croix County Court on May 6, 2019. Terms of the settlement were....

- \$80,000 fine made up of \$54,000 base fine, a 26% penalty surcharge, and 20% environmental damages surcharge, and other investigation and lab costs.
- This fine is payable over 5 years, \$16,000 due on September 1 to St. Croix County from 2019-2023.
- All appeals have been waived by both parties.
- Further remediation work on "wetland #7" is required.