



MEA and Kewaunee County Clean Water Advocates Celebrate Supreme Court Victory Decision Affirms DNR's Authority to Protect Wisconsin's Waters from Industrial Agriculture Pollution

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Madison, WI—Today, the Wisconsin Supreme Court [issued a ruling](#) in favor of a group of Kewaunee County residents, represented by Midwest Environmental Advocates, who have been working for years to secure the most basic of human rights—the right to clean water. The Court’s decision affirms the authority of the Wisconsin Department of Natural Resources (DNR) to do what is necessary to protect Wisconsin's waters from agricultural pollution.

The case began when neighbors of Kinnard Farms, one of the state’s largest concentrated animal feeding operations, filed a petition asking DNR to review a water discharge permit that had been issued to the farm in 2012. The Kewaunee County residents filed the challenge because Kinnard Farm’s water discharge permit did not do enough to protect water resources and public health.

In 2014, an administrative law judge agreed with them, finding that Kewaunee County’s drinking water crisis had been caused by “massive regulatory failure.” Despite years of appeals and procedural delays, our clients—joined by Clean Wisconsin—refused to give up, and eventually their case reached Wisconsin’s highest court.

In April, the Wisconsin Supreme Court heard oral arguments in the case, along with another case brought by Clean Wisconsin that involves DNR’s authority to regulate high-capacity wells. In that case, the Court issued [a separate decision](#) affirming DNR’s authority to consider the cumulative impact of high-capacity wells when it issues water-withdrawal permits.

In its decision in the Kinnard Farms case today, the Court affirmed that a requirement for groundwater monitoring requirements and a cap on the number of animal limits allowed under the permit are sensible and necessary permit conditions that will allow DNR to adequately address the known water quality problems in Kewaunee County.

Lynda Cochart, a neighbor of Kinnard Farms and one of the petitioners, reacted to the decision by saying, “It is a great day in Wisconsin when the future of so many of us outweighs the profits of so few.”

Jodi Parins, another local resident and petitioner in a later phase of the case, said, "The good people of Kewaunee County have been putting up with increasingly dangerous drinking water due to bad agricultural practices for more than a decade. When all the facts were heard, the administrative law judge agreed there was indeed a 'crisis,' to use his words, and ordered the operator to simply take reasonable precautions. I am happy to see that the Supreme Court upheld the lower court ruling which was well reasoned and fact-based."

Tony Wilkin Gibart, executive director of Midwest Environmental Advocates, said, "It has been a privilege to represent Kewaunee County residents in this case. They have worked tirelessly for more than eight long years, pushing back against special interests that have sought to make Wisconsin's water and public health laws unenforceable. This decision is a victory not only for them, but for the environmental laws that protect us all."

Andrea Gelatt, Midwest Environmental Advocates Senior Staff Attorney, presented oral arguments before the Supreme Court in April. In response to the Court's decision, she said, "Access to clean water is a right we all share. Too many people in Wisconsin have been denied that right. It's long past time to implement commonsense clean water protections that will finally allow us to solve Kewaunee County's ongoing drinking water problems."

Midwest Environmental Advocates is a public interest law center that works to defend public rights, protect natural resources, and ensure transparency and accountability in government. Learn more at www.midwestadvocates.org or on Facebook at www.facebook.com/midwestadvocates.

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