



P.O. Box 7857
Madison, WI 53707-7857
www.doj.state.wi.us

J.B. VAN HOLLEN
ATTORNEY GENERAL

NEWS RELEASE

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For More Information Contact:
Bill Cosh 608/266-1221

SIEMERS' HOLSTEIN FARM, INC. OF MANITOWOC COUNTY ORDERED TO PAY \$85,000 FOR VIOLATIONS OF STATE ENVIRONMENTAL LAWS

MADISON – Attorney General J.B. Van Hollen announced today that the Wisconsin Department of Justice has settled a lawsuit against Siemers' Holstein Farm, Inc., for violations of state water pollution control, manure management, air pollution and solid waste laws at Siemers' confined animal feeding operation (CAFO) in Manitowoc County.

According to the complaint, filed at the request of the Department of Natural Resources (DNR), Siemers violated several water pollution control regulations and its pollution discharge permit when it installed a new leachate collection system and a new 15 million gallon manure storage facility in 2005-2006. Siemers encountered high groundwater when it was digging its manure pit, and used improper dewatering techniques: it opened a field drain tile to drain the groundwater. In June 2006, Siemers' existing manure pit overtopped, and approximately 10,000 gallons of manure, along with overflowing leachate, drained to the exposed tile line, which ultimately connected to a stream. Siemers constructed additional facilities in 2006 without installing proper storm water erosion control practices, and in late 2006, Siemers violated state solid waste and air pollution laws by open burning a pile of waste that included rubber bedding material. In 2007, Siemers constructed five new barns and a 775-foot driveway without providing adequate construction site storm water erosion controls. In 2008, Siemers continued to experience difficulties with its leachate collection system, and in June 2008, its manure pit overtopped again.

While DNR did not document any harm to the environment, such as fish kills, from Siemers' violations, the violations are serious because they involve laws, regulations and permits designed to prevent harmful discharges and emissions. CAFO discharge permits and storm water management permits rely on the permittee to monitor, maintain compliance, and report problems. Siemers failed to take the necessary steps to prevent the risk of harm to the environment in 2006 and 2007. In 2008, the farm acted promptly to contain the manure and is now working cooperatively with DNR to bring its site into full compliance with its regulatory requirements.

"The law's expectations for confined animal feeding operations are clear. They must obtain necessary permits for new pollution discharge sources and for construction activities, they must take the requirements in their permits seriously, and they must do all they can to prevent discharges of pollutants to waters of the state," Attorney General J.B. Van Hollen said. "The Department of Justice will continue to work with the DNR to ensure compliance with the law to prevent the risk of harm to Wisconsin's air and water resources."

Under the terms of the settlement agreement, Siemers has agreed to pay penalties and assessments totaling \$85,000 for the violations. The settlement agreement also requires that Siemers complete planned upgrades to its leachate collection system by July 1, 2009, to bring that system into compliance.

Assistant Attorney General Diane Milligan prosecuted the case. The settlement was approved by Manitowoc County Circuit Court Judge Patrick L. Willis.

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