

## May 22, 2014 – Update

Welcome to summer and what promises to be a beautiful Memorial Day weekend.

For many, this weekend is the official start of summer. It is a time to enjoy our beautiful lakes and streams. It is the ritual of opening up the cabin for the summer and building memories. But have you ever wondered what it would be like without enough water to operate our boats? To be unable to fish streams that are too warm because of decreased flow to support habitat? To be forced to move our picnic indoors because of the stench of waste from thousands of animals? To be forced to drink bottled water due to significant levels of nitrates?

There is so much attention lately on our planet and all that we do to impact it. I must share that I have been very surprised and pleased to see how much people really do care about our natural world, and in particular our little corner here in the Central Sands. We have entered our fourth year since we picked up the banner and brought our fight to the courts to stop the Richfield CAFO and the potential pollution and ground water pumping that it represents. The support that each of you has shared has been the difference between standing up for what we know is right or simply giving up. It is because of you that we keep going! Thank you....your support is crucial!

**We really need your help.** As we head into our fourth year of this fight our legal and expert witness costs are closing in on \$300,000 and growing. So many of you have been generous and your help is greatly appreciated. But we need your help today! This extraordinary cost is falling on a small number but with your help we can share the burden. This fight is for you! Remember, all donations to FOCS are tax deductible.

**Help us continue the legal fight.....We need your donation today!**

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There is so much to share now that I don't know where to start.....

### Updates

You may have noticed that I switched to a service to help in sending our updates via email. This service, called Constant Contact, allows me to send to the entire group at one time. The old fashioned way, simply mailing out of this Yahoo account, limited me to about 40 emails at a time. With over 1000 followers this took up tremendous time. However, I have also learned, that many of you have been missing many of the past updates for which I apologize. In general these updates occur about every 4-6 weeks as I balance the need to protect your inbox with a desire to keep you informed. To stay up to date all of our updates are posted on our website at [www.FriendsofCS.org](http://www.FriendsofCS.org). In addition, Facebook is updated several times a week at [www.facebook.com/FriendsofCS](http://www.facebook.com/FriendsofCS). If you don't already follow our page, please join the nearly 3000 friends that do. It is a great way to stay on top of what is happening on our case and about other issues from around the state that affect us.

### Legal Update

As you may recall we completed the hearings over a period of several months concluding in December. Our final briefings were presented to Judge Boldt a few weeks ago. The DNR has now begun action on revising the Environmental Assessment as a result of our appeal in which the Wisconsin Court of Appeals ruled in our favor in December. The appeals court agreed with us that the DNR failed to adequately consider the cumulative effects of high-capacity well pumping in the vicinity of the proposed Richfield Dairy in Adams County when it prepared an environmental assessment (EA) back in 2011. We have challenged the permitting of the Richfield CAFO in three significant areas including the Plans and Specifications permit (how the site is constructed and what would be done to prevent surface and ground water pollution), the WPDES permit (which includes the spreading of the waste on land and the protection to surface and ground water), and the high capacity well permits. The results of all of the wells are "well" documented and can be seen in the significant decline of many area lakes, streams and wetlands.

While the hearings are focused on water, from groundwater pumping to polluted runoff, there are many other concerns that brought us to action. These include heavy truck traffic, air pollution, noxious odors, decreased property values, degraded domestic wells, negative economic impact to the community, loss of tourism, and noise. All of these impacts exist around CAFO's and are well documented. Each certainly affects our quality of life.

We anticipate decisions in these three cases no earlier than late July.

### **Burr Oak / Optiz Update**

You talked and you were heard! Opitz (now Burr Oak Heifers) has a long history of water violations including a recent enforcement action by the WI Department of Justice just this past fall. They were fined \$60,000 dollars, forced to pay for a neighbor's well, and ordered to clear the fields of cattle due to ground water pollution issues and the lack of a waste permit plan. This same group is now building an indoor cattle facility for up to 3100 cows near Burr Oak Church, just West of Coloma, some of the same land they already polluted. This is also just a mile or so down the road from the proposed Richfield CAFO.

We recently shared how the DNR intends to give Opitz / Burr Oak a higher-than-normal nitrate limit for groundwater (the technical term is an "alternative concentration limit") due to "historic site monitoring results" at monitoring well #2. In other words, the water is already polluted. But hey, it wouldn't be fair to Burr Oak to ask them to operate within the normal safe standard because of the existing polluted water, so the DNR's answer? Let's give them a new alternate standard in this permit. A new standard of 28 mg/L!! So they get the benefit of its pollution by now being given the right to pollute the water up to an alternative standard that is 280% of the current enforcement standard of 10 mg/L, a level determined necessary to protect the public health. The DNR is presuming that this is better than what we have had in past...they presume that the nitrate levels will trend downward in the coming years. Really, in the coming years? That makes us feel so much better.

But they heard you! Nearly 100 people joined the public hearing a few weeks ago to express dismay at the logic of the DNR's action. It is important to note... of all of those that spoke at the hearing....***not 1 person spoke in favor of this permit*** decision. Subsequently, many people and organizations have written the DNR to further express their concern and opposition including Clean Wisconsin who provided a ground water analysis by our own Ken Wade. All of the decisions by the DNR in cases like this across the state build upon one another so it is so important to stay informed and involved. With your help, Friends of the Central Sands sounded the alarm and people responded! Read about the event in an [excellent blog by Dale Hofmann here.](#)

### **DATCP – WI Department Agriculture, Trade and Consumer Protection**

DATCP (pronounced Dat-cap) is the governing agency for what is referred to as the "Livestock Siting Law", a set of state standards that determines the siting decisions for livestock operations (CAFOs). These rules are also largely seen as barriers to local communities who wish to have control over the location of these facilities through local zoning laws. This law is in its second review and Friends of the Central Sands was invited to a small gathering of environmental organizations including Clean Wisconsin, Midwest Environmental Advocates, Wisconsin Wildlife Federation, River Alliance of Wisconsin, Sierra Club, Trout Unlimited, KewauneeCares, Wisconsin Environment, and the Sustain Rural Wisconsin Network to review and comment on this law. Bill Vance represented FOCS in this critical meeting by providing input and sharing our experience in dealing with the impacts of this law.

### **Manure fountains anyone?**

The practice of spraying liquid manure through irrigation systems is moving forward in Wisconsin. The DNR has agreed to allow some farms to "experiment" with this frightening practice. Even though the dangerous health impacts of aerosolizing liquid manure and all of the associated pathogens is well documented, our DNR seems convinced that Wisconsin needs to adopt this practice. A Manure Workgroup has been established so we will be keeping an eye (and a nose) on this disturbing trend.

## **Late Summer event?**

Water Reality 2013 was a huge success. Many people came from all over the state to hear excellent speakers, meet representatives from numerous environmental organizations, and just to get to know one another. Video of each of the speakers will be uploaded soon to our website so stay tuned! These include presentations by:

- *Aldo Leopold – A visit by Jim Pfitzer, as Leopold, at the Shack discussing Leopold's most important writings.*
- *Elward Engle - WI DNR Real Estate Specialist (retired) and tireless land champion.*
- *Paul Johnson - Former Iowa State Senator, former Chief of what is now the Natural Resources Conservation Service.*
- *Lynn Henning –Formerly of the Sierra Club of MI and Goldman Environmental Prize recipient for her work against CAFOs.*
- *Justin Isherwood- WI native, potato farmer and author of several books including Farm Kid, and Book of Plough.*
- *Jamie Saul -founding board member of the Midwest Environmental Defense Center.*
- *George Kraft -Professor of Water Resources, Director of the Center for Watershed Science and Education.*
- *John Ikerd - Professor Emeritus of Agricultural Economics at the University of MO and author of numerous books.*
- *Lindsay Wood Davis - Engaged in environmental activities for over 40 years, avid paddler and former chair and current board member emeritus of the River Alliance of Wisconsin.*

Would you like to see another gathering later this summer or early fall? Tell us your thoughts.. We would love to hear from you.

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