



County Board of Supervisors

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February 20, 2020

Jeff Jackson, CAFO Specialist
Department of Natural Resources
Baldwin Service Center
890 Spruce Street
Baldwin, WI 54002

Dear Mr. Jackson:

On February 20th, 2020 the Community Development Committee (CDC) for St. Croix County voted its approval to send this letter concerning two topics:

- 1) The permit re-authorization application for a WPDES Permit (00593315-04-0 for Emerald Sky Dairy (ESD) located at 2487 CTH G, Emerald, WI 54013, and
- 2) The Wisconsin Department of Natural Resources (DNR) enforcement of violations of CAFO rules and statutes in St Croix County.

A review of ESD's file maintained by county Resource Management Division staff revealed five manure related violations within the past three years:

- **Official report to DNR March 30, 2017 – Spill occurred Early December 2016**
Official report related to large ESD manure release into wetlands from leaking storage facility, occurred in December 2016 but the Permit Holder failed to report, despite work to repair the leak in December 2016. An anonymous tip revealed the spill in March 2017.
- **February 22, 2017**
Field application of manure by ESD resulted in runoff into a road ditch.
- **May 2, 2018**
New waste storage facility was constructed on ESD property for manure management but the storage was used prior to lining or inspection by county and state authorities.
- **May 6, 2019**
Manure runoff into road ditch near home facility resulting from a hose connection break.
- **November 21, 2019**
Manure runoff from field resulting in release into Hutton Creek and fish kill. The operator failed to notice, the spill was reported by anonymous tip.

In addition to these documented violations, as CDC Board Chair I have received much negative public comment related to Emerald Sky Dairy over the past three years. The Community Development Committee has received more public comment related to ESD than any other animal operation located in the county. Some public comments referred to contamination of domestic wells with E. coli that citizens believed was a result of an ESD manure spill and subsequent re-spreading of spilled manure onto fields at high rates.

The documented violations and citizen concerns together are the reason this letter was prepared. Along with close scrutiny of the WPDES re-authorization application, CDC asks that additional measures and accountability be included in WPDES Permit 00593315-04-0 if the DNR chooses to re-issue the permit to Emerald Sky Dairy.

The CDC requests full and quick enforcement of manure application rules and statutes for CAFO's located in St. Croix County. According to the Wisconsin Land and Water Conservation Association, loss of nutrients from cropland and pastures is the largest source of nonpoint source nutrient pollution in surface and groundwater in Wisconsin. This is exacerbated when manure is allowed to spill, runoff fields, or is applied at rates and timing that impact groundwater. The CDC understands that animal manure is a valuable resource that can benefit soil health and provide nutrients for crop growth. However, we are concerned with the repeated runoff events into wetlands and public waters. The fines and measures taken for past violations are appreciated but they were not timely. The fines are levied years after the spills and ESD was put on a payment plan. Further the fines are not substantial enough to be punitive. The delayed timeframe before fines are imposed does not create a cause and effect impact and does not appear to have slowed down or stopped additional violations. The entire process has been frustrating to landowners and the CDC. The CDC requests more timely and effective enforcement of CAFO rules by DNR with regard to repeat offenders to deter future spills.

We look forward to a written response from DNR on this matter or attendance at a future committee meeting.

Respectfully Submitted,

Community Development Committee

Dan Hansen, Chair

Ellen Denzer,

Community Department Director

Tim Stieber

Resource Management Administrator & County Conservationist