

# Midwest Environmental Advocates: Challenge against dairy business group a win for clean water

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## **DBA vs. DNR Settlement Challenge Affirms DNR Authority to Protect Water**

MILWAUKEE, WI – Today, Milwaukee County Circuit Court Judge William Pocan denied the Department of Natural Resource's motion to dismiss the case Midwest Environmental Advocates argued on behalf of Clean Water Action Council, Milwaukee Riverkeeper, Friends of the Central Sands, and Wisconsin Wildlife Federation to protect the authority of the Department of Natural Resources to prevent dangerous pollution from industrial-scale livestock operations.

"They had to go to court to do it, but today a diverse group of citizens dedicated to Wisconsin's clean water future preserved the public's right to have a say in whether or not the DNR can make drastic changes in water regulations without following the legal rulemaking process," said Executive Director Kim Wright.

A settlement agreement between DNR and the Dairy Business Association removed the current legal authority from DNR staff charged with regulating water pollution already known to put families with private drinking water wells at risk. When DBA and DNR skirted legal process in the settlement agreement they also diminished the rights for meaningful public participation by those most at risk.

Judge Pocan agreed with the plaintiffs that their concerns warrant judicial review of DNR's quick settlement with DBA. The plaintiffs tried to intervene in the lawsuit filed by DBA but an unusually quick settlement agreement with DNR cut off the plaintiffs' chance to have a say.

"We are pleased that we will have the opportunity to overturn this backroom deal between a special interest group and the state agency that is supposed to protect our health and the health of our environment," said Staff Attorney Sarah Geers. "The case will continue and this ruling recognizes that these issues warrant further examination."

"Today's decision shows why public scrutiny and citizen action are such essential tools to hold industrial livestock operations and our government accountable for preventing water pollution and threats to our health," said Executive Director Kim Wright.

"For years citizens have shouldered the burden of taking the state to court over failures to limit ground and surface water pollution in legal challenges over water pollution permits for facilities like Richfield Dairy and Kinnard Farms," said Wright. "Citizens took action to force the U.S. Environmental Protection Agency and the DNR to do something to address the groundwater quality crisis in Kewaunee County by filing a Safe Drinking Water Act petition. Today is just one more example of how the public has to take action to hold the line on the system that is supposed to protect the health of people and our environment."

The settlement agreement conflicts with state statutes and rules and limits DNR's authority under current law to prevent water pollution. This is where the settlement agreement went too far, and why it was necessary for public interest groups to push back to defend DNR's authority to protect our health and our environment.

Midwest Environmental Advocates is a public interest organization that uses the power of the law to support communities fighting for environmental accountability. Learn more about the Midwest Environmental Advocates on the web at [midwestadvocates.org](http://midwestadvocates.org), like MEA on [Facebook](https://www.facebook.com/midwestadvocates) or follow @MidwestAdvocate on [Twitter](https://twitter.com/MidwestAdvocate).