

Dept. of Justice: AG Kaul announces nearly \$250,000 settlement with polluters for violations of Wisconsin's Wastewater Laws

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MADISON, Wis. – Attorney General Josh Kaul announced today a settlement with K & D Manure Handling, Inc. (K & D Manure Handling), Kevin D. Hintz, and Wild Rose Dairy, LLC (Wild Rose Dairy), requiring them collectively to pay \$242,000 to resolve violations of Wisconsin's wastewater and hazardous substance spills laws.

The settlement resolves violations arising from three manure spills that caused fish kills in high-quality trout streams, Otter Creek in Vernon County and Bostwick Creek in La Crosse County. The settlement includes \$126,000 in total to be paid to the Department of Natural Resources (DNR) for the trout killed by the manure spills and lost fishing opportunities for the public. The settlement was approved by the Vernon County Circuit Court on April 21, 2021 and the La Crosse County Circuit Court on April 19, 2021.

“Spills like these harm Wisconsin's waterways and fish that swim in them,” said Attorney General Kaul. “Those who contaminate our clean water must be held accountable.”

Wild Rose Dairy operates a concentrated animal feeding operation (CAFO) near La Farge. K & D Manure Handling is a custom manure applicator, which Mr. Hintz owns and operates, out of Sparta. K & D Manure Handling land spreads manure for CAFOs, including Wild Rose Dairy, and smaller dairy farms.

In the Vernon County case, the state alleged that: (1) Wild Rose Dairy and K & D

Manure Handling caused a manure spill in Otter Creek in October 2017 and a second manure spill in Otter Creek in May 2019, (2) Wild Rose Dairy failed to timely report the October 2017 manure spill to DNR, and (3) Wild Rose Dairy failed to submit to DNR a complete application for renewal of its Wisconsin Pollutant Discharge Elimination System permit (WPDES) for five years. Both manure spills caused significant fish kills in Otter Creek.

In the La Crosse County case, the state alleged that K & D Manure Handling and Mr. Hintz: (1) caused a manure spill in Bostwick Creek in June 2019, (2) failed to report the manure spill to DNR, and (3) failed to take action to contain or clean up the manure spill. The state alleged that Mr. Hintz told DNR conservation wardens that he knew manure had reached a tributary to Bostwick Creek, and that he did not report the manure spill to DNR because he hoped nothing would come of it. DNR was notified of the fish kill in Bostwick Creek by an anonymous public tip.

The agreement requires Wild Rose Dairy to pay \$57,000 in forfeitures, surcharges, court costs, and attorney fees. The agreement requires K & D Manure Handling and Mr. Hintz to pay \$185,000 in total in forfeitures, surcharges, court costs, DNR costs, and attorney fees. This includes \$126,000 for the fish killed by the three manure spills.

Because this compromise was reached prior to the commencement of a civil action, requirements of 2017 Wisconsin Act 369 do not apply.

Wisconsin Department of Justice (DOJ) Public Protection Unit Assistant Attorney General Emily M. Ertel represented the state. DOJ worked closely with the DNR to obtain this result.

The public can report tips anonymously to the DNR Tip Hotline at 1-800-TIP-WDNR (1-800-847-9367).

Copies of the Summons and Complaints, Stipulations for Judgment, Orders for Judgment, and Judgments in the Vernon County and La Crosse County cases are [available here](#).

Press release: <https://www.doj.state.wi.us/news-releases/ag--kaul-announces-nearly-250000-settlement-polluters-violations-wisconsin%E2%80%99s-wastewater>