

Dept. of Justice: Kewaunee Co. CAFO owner, manure hauler and crop consultant charged with conspiring to submit forged report to DNR

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The Wisconsin Department of Justice (DOJ) has filed charges against the owner of a Concentrated Animal Feeding Operation (CAFO) in Kewaunee County, along with the manure hauler he hired to spread manure on his dairy's land, and the agronomist that submitted a report about that manure spreading to the Wisconsin Department of Natural Resources (DNR).

"Our environmental laws and regulations are important safeguards protecting clean water for Wisconsinites, and those who are required to report to DNR must provide accurate information," said AG Kaul. "Thank you to the DNR wardens and prosecutors who have been working on this case."

As alleged in the complaint, defendant Johannes Wakker owned a dairy farm and needed to get rid of excess manure in late 2019, so he hired defendant Gregory Stodola to spread the manure on Wakker's land. Stodola spread the manure on several fields, the complaint alleges, but the amount so far exceeded what Wakker's permit allowed that it resulted in pollution discharges into tributaries leading to Lake Michigan with *E. Coli* bacteria readings as much as 100 times those that would result in the closure of a public beach.

Because the large amount of manure spread on the Wakker farm exceeded the amount allowed by Wakker's DNR permit, the complaint alleges that Stodola created a document that grossly underreported the manure actually spread—by over 1.9 million gallons. Stodola then gave this document to Wakker, the complaint

alleges, who in turn gave it to defendant Benjamin Koss, a consultant hired by Wakker to file a required report about the manure spreading with DNR. According to the complaint, knowing that the information was false, Koss manipulated the numbers even further to “calibrate the books” such that the reported numbers would fit within DNR regulations before filing a report with the false information with DNR.

As in any criminal proceeding, the defendants are presumed innocent until proven guilty.

The Wisconsin Department of Natural Resources led this investigation. The Criminal Litigation Unit of the Wisconsin DOJ Division of Legal Services is handling the prosecution and is unable to comment beyond what is contained in the complaint or stated in court, because this is an ongoing criminal prosecution.

An initial appearance is scheduled in Kewaunee County Circuit Court for January 12, 2023, at 2pm.

No further details are available at this time.