

# Pinnacle of Bull-Headed Stupidity: Plopping a 5,800-Cow CAFO on 127 Low-Lying Acres



A PDF of this story is available for download at The Milkweed's web site home page: [www.TheMilkweed.com](http://www.TheMilkweed.com) or see The Milkweed's contact information on page 2 to obtain extra hard copies of this article.

Construction at the Pinnacle Dairy project temporarily froze to a halt on January 4, 2018. This controversial mega-dairy site is located in cheese-rich Green County, Wisconsin. The Tuls family is building Pinnacle Dairy, which proposes to milk 5,800 cows at this low-lying, wet, 127-acre site. This picture shows cement trucks and the on-site cement mixing plant, with the steel frame of a livestock barn in the background. Many neighbors oppose this project, fearing an environmental disaster.

Despite all this construction, Pinnacle Dairy has not received the final Wisconsin Pollutant Discharge Elimination System (WPDES) permit from the Wisconsin Department of Natural Resources (DNR). On January 3, state and Green County officials warned the Tuls that too much water is draining into tiny Searles Creek from two test wells located under manure storage pits. DNR rules specify that Concentrated Animal Feeding Operations (CAFOs) must be "zero discharge" facilities.

by Pete Hardin

The community around Brodhead, Wisconsin, located in cheese-rich Green County, hasn't rolled out the Welcome Wagon for the Tuls family's 5,800+ cow Pinnacle Dairy project that's located on 127 acres about six miles west of town.

Driving south along Brodhead's First Center Avenue towards the center of town, many front yards are adorned with bright yellow signs proclaiming "No Factory Farms." And out in the fertile farm country west Brodhead, it's much the same story – more and more of those yellow, "No Factory Farms" signs dotting front yards and fields. Some of that mega-dairy project's biggest opponents are local farm families, who fear the impact upon their community if the Tuls' mega-dairy is completed and starts milking all those cows.

Pinnacle Dairy, now under construction, is just the latest in a series of mega-dairies owned by the Tuls family. They started milking cows in California, before migrating to the wide open spaces of Kansas and Nebraska. Several years ago, the Tuls set up shop in southern Wisconsin – milking 5,800+ dairy animals at a site located several miles east of Janesville, in Rock County. More recently, the Tuls acquired

a dairy CAFO in west-central Wisconsin, near Emerald. That dairy suffered a manure line break last winter, a problem that went undetected for four months by these supposedly environmentally-concerned operators.

Pinnacle Dairy's location presents some serious challenges. The site rests on a low-lying area, near the headwaters of Searles Creek — a small stream that's already been the focus regarding two endangered species concerns: a small minnow and an obscure turtle. The seemingly ill-chosen, low-lying site for the project currently leaves questions about the water table underlying four manure storage sites delaying regulators' final approval for the project. Two test-wells, designed for monitoring groundwater tables underneath the manure storage facilities, are currently sources of controversy between the Tuls family and regulators from both Green County and Wisconsin Department of Natural Resources (DNR). Without permission from regulators, the Tuls relocated those test wells. An early January 2018 meeting involving Tuls representatives, state and county officials resulted in obvious concerns about the volume of water flowing from the Pinnacle Dairy's test wells into Searles Creek.

Continued on page 9

## Searles Creek: Not Much of a Stream, But on DNR's Radar ...

by Pete Hardin

The origins of little Searles Creek lie somewhat west of the Pinnacle Dairy site in western Sylvester Township. Searles Creek meanders along the southern border of the Pinnacle Dairy site. Searles Creek is extremely important in considering the environmental impact of Pinnacle Dairy. That's because water from the test wells at Pinnacle Dairies manure storage facilities drains directly into little Searles Creek.

Searles Creek is already on the radar screen for Wisconsin's DNR, as well as local citizens with a dog in this fight. In 2008-2009, a local dairy farmer – Greg Stewart – was blocked from cleaning up the streambank on Searles Creek flowing through his property due to an endangered species of small minnow. A couple years later, when Stewart again sought to conduct that streambed project, he was subjected to strict orders about having to thoroughly survey the area for a rare species of turtle – the blanding turtle (*emydoidea landingii*).

Stewart puzzles why the endangered species of fish wasn't brought up again, two years later, when he reapplied to improve the streambank. Nearly ten years ago, DNR was concerned that some 1,700 dairy and beef animals populated the area draining into Searles Creek. Stewart – who's been active with a local group opposing the Pinnacle Dairy project from the git-go – puzzles why, if DNR were concerned about livestock wastes from 1,700 animals a few years ago, how could adding another 5,800 dairy animals near the headwaters of Searles Creek be acceptable?

Searles Creek flows west-to-east, ultimately emptying into Decatur Lake – a residential lake northwest of Brodhead. For years, homeowners at Decatur Lake have been concerned about Searles Creek's water quality. They have conducted regular water quality testing. If Searles Creek were to be impaired by wastes emanating from Pinnacle Dairy, the value of those homeowners' properties would be impaired.

Pinnacle Dairy's environmental impact on Searles Creek is also on the radar screen of a local lake's property owners. Searles Creek runs west-to-east into Decatur Lake, a residential lake located northwest of Brodhead. For years, the lake owners association has tested water quality for the lake, due to concerns about pollution from livestock upstream. If Pinnacle Dairy were to

be approved by the DNR and water quality contamination issues were to later occur, the property owners at Decatur Lake would be one angry bunch.

To date, DNR officials seem to have completely ignored long-term issues of endangered species, high phosphorus content, and siltification at Searles Creek in the agency's review of the Pinnacle Dairy CAFO permit.



Greg Stewart farms about two miles east of the Pinnacle Dairy location. He's standing next to Searles Creek. Twice in the past decade, endangered species -- a fish and a turtle -- disrupted Stewart's efforts to improve the streambank along Searles Creek, which meanders south of his family's dairy farm. Given Searles Creek's history of high levels of Phosphorus and sediment, as well as historic concerns about endangered species, Greg Stewart cannot why fathom state officials would even consider 5,800-cows CAFO to be located upstream from him in the Searles Creek watershed.

Despite a request last fall from the County to cease installing liners in the manure storage areas, the Tuls continued doing so. Millions of dollars have undoubtedly been spent on this project to date, which still lacks final okay from regulators in the form of a Wisconsin Pollutant Discharge Elimination System (WPDES) permit. Final approval is contingent, in part, upon meeting conditions set out by the County and Wisconsin's DNR. The Tuls operation is drawing regulators' scorn for failing to comply with so-called Condition #2, which involves flow of water from two test wells. Failure to meet Condition #2 was the trip-wire that gained the request to halt installation of manure storage facilities' liners from the County last fall ... a directive that the Tuls conveniently ignored. According to comments made at a public meeting on January 4 in Monroe (the Green County seat), the Tuls cannot move livestock onto the site until *all* conditions are satisfied.

### Just the latest CAFO clash in Wisconsin ...

Mark Twain wrote, "Whiskey is for drinking; water is for fighting over'." Pinnacle Dairy is the simply the latest flash-point in a wider-ranging, long-running battle that pits state policies for siting CAFOs versus citizens concerned about the environmental impact of mega-dairies and other large-scale livestock and poultry operations.

The federal government labels facilities with over 1,000 "animal units" (about 700 Holstein milk cows) a Concentrated Animal Feeding Operation (CAFO). Over 300 CAFOs dot rural Wisconsin's landscape. Some of those CAFOs have dramatically polluted surface and ground water supplies, particularly in northeastern Wisconsin. In the state's Central Sands region, many dozens of high-capacity wells have lowered stream flows and lake levels, due to high capacity agricultural wells drawing down groundwater levels.

### Loss of local control – root of the problem

In early 2004, Wisconsin's legislators hastily approved a set of parallel bills that removed CAFO zoning approval powers from counties and townships. That bill went through the state's Assembly and Senate faster than white scours through a very sick calf. Legislators held a single combined hearing that was packed with witnesses favoring the proposal. Within about a month, that bill had passed both state legislative houses and landed on then Governor James Doyle's desk for his signature. The resulting law was titled the "Livestock Facilities Siting Law." (The administrative

rules weren't finalized until 2006.) That law set up the Wisconsin Department of Agriculture, Trade and Consumer Protection as the agency drawing up state standards for siting CAFO. Local governments must follow those standards. However, the state's DNR maintains full oversight responsibilities on environmental compliance. The rationale for that law was to eliminate a "patchwork" of local laws that CAFO supporters said hindered development of larger-scale livestock operations in the state.

Why that push to eliminate local zoning approval for CAFOs in Wisconsin? Back in the early 2000s, Wisconsin's vaunted dairy industry was struggling to grow milk production. Back then, milk plants in "America's Dairyland" struggled to find adequate milk supplies. America's taste for cheese was growing ... and Wisconsin's leaders wanted to assure that Wisconsin maintained (or grew) its overall market share. So state leaders strategized ways to grow Wisconsin's farm milk supply ... which included wiping out existing local zoning authority.

Another key element in efforts to boost milk production entailed creating a highly liberal set of investment tax credits for agriculture. Out-of-state dairy farm operators observed that Wisconsin's set of investment tax credits was "too liberal to ignore." Those changes to CAFO zoning authority and investment tax credits served as the starter fertilizer to grow Wisconsin's farm milk supply. And grow it has. Wisconsin's annual milk production has expanded from 22.085 billion lbs. in 2004 to 30.123 billion lbs. in 2016 – a 36.4% gain that safely secures Wisconsin as the nation's second-leading dairy state.

Several years after those liberal investment tax credit incentives for farms were hatched, Wisconsin extended a similar set of incentives to dairy and food processing plants. Those credits have helped propel expansion of dairy processing plants. Ironically, the gap between the protein content of Wisconsin farm milk and the protein needs of Wisconsin's cheese and yogurt plants has minimally narrowed during the past decade. That's because both farm milk output and dairy processing capacity have expanded. Even as Pinnacle Dairy's owners struggle to navigate regulatory requirements, a few miles southwest of the Pinnacle Dairy site one finds a massive expansion taking place at the Grande Cheese plant just north of Juda. It's anticipated that Pinnacle Dairy's milk, if the dairy is finally approved, will go to Grande Cheese.

Continued on page 10

## Against Tremendous Odds, Local Community Fights Back

As noted, Wisconsin state laws disallow townships and county governments' siting of livestock and poultry CAFOs to vary from state regulations in any way. But such restrictions have not stopped local concerned citizens from tackling the Pinnacle Dairy project. They formed a citizen's group – Green County Defending our Farmland. They entered this battle knowing that few, if any, CAFO permits in Wisconsin have been stopped since state lawmakers eliminated local zoning powers.

In January 2016, the Town of Sylvester's CAFO study committee issued a 125-page, wide-ranging scientific report titled: "Environmental Human Health & Safety Risk to Water Quality, Air Quality, Soil Quality and Natural Areas from Concentrated Animal Feeding Operations (CAFOs)."

Seldom, if ever, has such a rigorously researched study been assembled by citizens concerned about the widespread, negative impacts from CAFOs

upon the environment. A key section of that report drew upon various maps of the Town of Sylvester. Those maps included: soil depth, presence of known springs, slopes of terrains, bedrock formations (such as karst), soil drainage and hydrology. Upon each of these Town of Sylvester maps, the study group created transparent, red overlays for areas deemed inappropriate for heavy spreading of manure. Conclusion: Very little acreage in that Town qualified, for one reason or another, for heavy manure spreading. Word is that the Tuls have been forced to reach out more than a dozen miles to line up contracted acreage to take Pinnacle Dairy's manure ... if the project is ultimately approved by the DNR.

The Town of Sylvester CAFO study committee went far beyond mere livestock waste issues. Even more impressively, the study committee dug into potential human health aspects for the surrounding community. A wide range of human health issues relate directly to exposure to air and water contamination by mega-sized livestock and poultry operations. The study team used the latest medical data technologies to profile Green County, Wisconsin's current human health issues.

That human health study incorporated the medical databases of the local Monroe Clinic (based in Monroe) and EPIC Systems – the global leader in medical information technologies (based in nearby Verona, Wisconsin). The science team analyzed local medical data and showed how Green County residents already faced significantly above-average rates of cancers. One obscure bit of data from the Monroe Clinic/EPIC medical data survey showed that Hispanic males in Green County had a 35-40X rate of respiratory problems, compared to the rest of the population. Common local Wisconsin is that many Hispanic males in Green County are employed either at large local dairy farms, or else at a foundry near Browntown (west of Monroe).

The Sylvester Towns CAFO study committee's work, while now two years old, stands as a sterling tribute to local citizens devoting scientific knowledge and data to the issue – a model for any communities facing such pressures. A copy of that study may be found on the Home Page of *The Milkweed* web site at: [www.TheMilkweed.com](http://www.TheMilkweed.com)

Included among the key recommendations of that study:

- Require all farmlands and properties to have 100% vegetative cover, or 90% crop residue year-round and during the dormant season. (Note: So-called "winter cover crops" like ryegrass or triticale applied to acreage used to produce row crops will absorb increased amounts of nitrogen, build soils' organic content, and dramatically reduce soil erosion.)
- Map all perennial springs and groundwater recharge areas that support perennial springs.
- Conduct a Town of Sylvester groundwater study.
- Treat manure as a hazardous waste.
- Require improved storm water control for CAFO operations.
- Require a medical risk study to probe health risks to CAFO workers.
- Encourage municipalities and villages in Green County to be informed and engaged to ensure protection of public potable water supplies.

Sadly, when big dairy CAFO operators and their political friends weigh in, rationality and scientific data usually take a back seat modern-day Wisconsin.

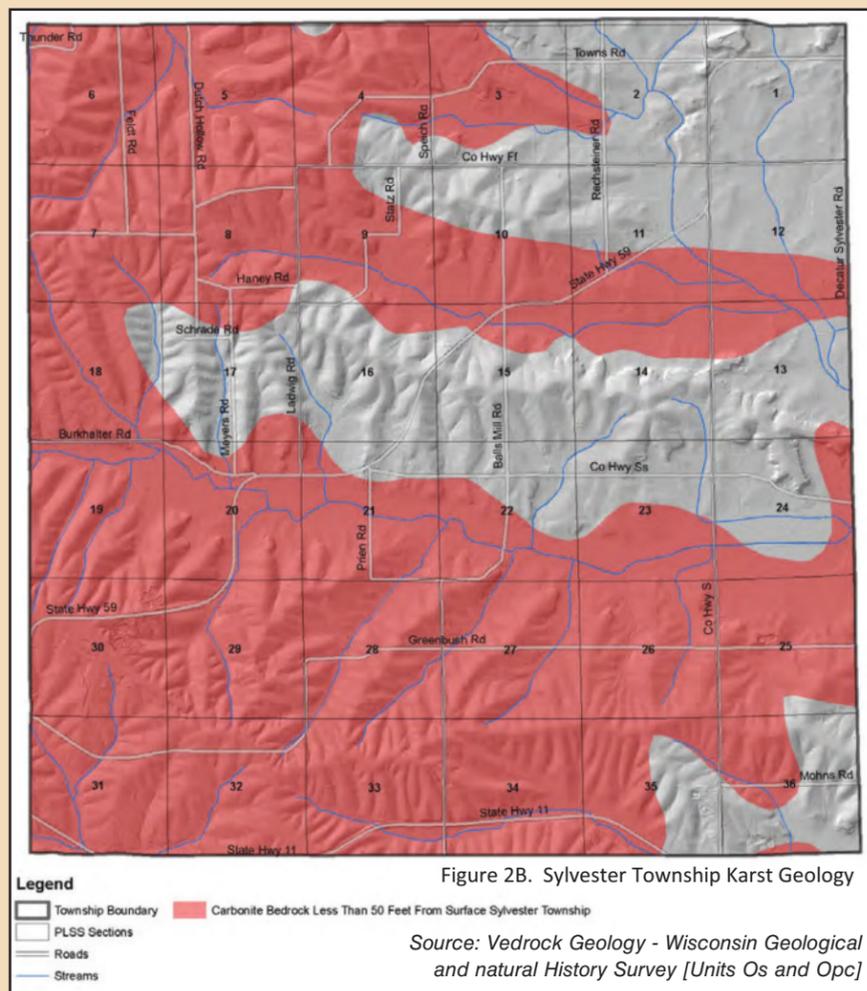


Figure 2B. Sylvester Township Karst Geology

Source: Vedrock Geology - Wisconsin Geological and natural History Survey [Units Os and Opc]

One focus of the Town of Sylvester's Large Livestock Siting Committee was on critical topographical and hydrological aspects in the Town. The following map indicates the Karst geology underlying the Town. Other subject mapped include: Soil Depth to Bedrock, Soil Drainage and Hydrology, Soil Parent Material, Known Springs, and Nutrient Management. By the time all these elements were mapped, virtually the entire Town was inappropriate for heavy manure applications.

# Plopping a 5,800-Cow CAFO on 127 Low-Lying Acres, con't

Continued from page 9

## Description of the Pinnacle Dairy site ...

The relatively tiny, 127-acre, Pinnacle Dairy site is located in the eastern portion of Sylvester Township (Green County). Sylvester Township is well-soiled, intensely farmed; but many of the dairy barns no longer house milk cows.

The 127-acre site is believed to be still owned by Carrousel Farms – a large local farming operation that straddles both sides of the Wisconsin/Illinois border. Carrousel Farms is owned by the Bader family – well-equitized and political well-connected. The Bader family sometimes seems to operate by its own set of rules – a fact evidenced by a recent, profanity-laced telephone call from Randy Bader to the road commissioner of Laona Township in Winnebago County, Illinois.

Presently, the Pinnacle Dairy site features an on-site cement mixing plant to feed the handful of cement trucks moving cement to nearby locations where the materials are poured. Despite a request from the County to cease construction last fall, Pinnacle Dairy's owners continued installing manure pit liners. As of early January, the steel frames for one livestock barn were standing, awaiting roofing. Nearby, four massive manure storage pits have been excavated, and bermed. The four manure pits' combined areas total the equivalent of about eight football fields.

At peak capacity of 5,800 milk cows, its commonly estimated that Pinnacle Dairy would produce over 200,000,000 lbs. of livestock wastes annually. (The math: 5,800 cows times 100 lbs. of manure and pee per day times 365 days.)

On January 3, 2018, DNR, DATCP, NRCS and county officials met with the Tuls family. One of those officials – Green County conservationist Todd Jenson – reported at a public meeting on Thursday, January 4, that state officials warned the Tuls that unacceptably large volumes of water were being entering Searles Creek from drainage tiles designed to remove ground water from underneath some of the manure pits areas. Those pits are located atop acreage with relatively high water tables. Before DNR approval for so-called “Condition 2” may be gained, ground water tables at the sites of two test wells must be lowered to acceptable levels. As of early January, the groundwater table below one of those test wells was about six inches too high. But the other test well was still *nearly seven feet too high*.

Pinnacle Dairy is draining water, using tiles, from underneath those two test wells to try to lower the water tables below those massive manure storage units. Lowering water tables is necessary to keep hydro-static pressure from cracking or pushing up the liners of the manure storage areas. To gain DNR approval, the water tables need to be lowered below those sites. The Tuls family is in hot water, so to speak, because they brazenly moved the locations of those test wells without permission from county regulators. If Pinnacle Dairy's owners cannot demonstrate adequately lower water tables at both the test wells sites, the dairy will have failed to meet conditions the state has set for approval of the site.

Draining the groundwater from underneath those test wells to lower the water tables under the massive manure storage areas is creating another whole set of problems. Comments by Green County conservationist (LWC) Todd Jenson at the January 4, 2018 meeting of the Green County Land and Water Conservation committee in

Monroe reflected a serious rift developing between DNR officials and the Tuls family. Jenson reported earlier that week, state officials informed the Tuls that too much water was being pumped from the test wells into Searles Creek, raising the levels of that small waterway. Thus, Pinnacle Dairy's operators' attempts to lower the water table are potentially interfering with the ecology of Searles Creek!

**Also at that January 4 LCW meeting in Monroe, Todd Jenson explained that the test wells showed water levels under two of the manure storage areas were still too high.** At that meeting, LCW committee member Jeff Williams, a dairy farmer who milks 1,200 cows near Brodhead, questioned the adequacy of recent groundwater level readings. Williams noted that the past few months have seen relatively little precipitation. Further, he noted that with the ground now frozen, little surface water would be seeping into groundwater at the site. Williams suggested waiting until spring, after the ground had thawed, before taking as valid any groundwater readings from the test wells at the Pinnacle Dairy site.

An alternate strategy suggested by the Tuls to measure water tables – use of sand points – was totally trashed by DNR officials on January 3. According to a memo distributed by Jenson at the January 4 LCW committee meeting, DNR officials discounted the sand point strategy the Tuls proposed for measuring water table levels for these reasons:

“1. Sand points won't prove separation especially on the north side with the sand curtain.

“2. Nothing valuable will come out of a sand point driven into silt and clay.

“3. Putting a sand point at an angle will not give an accurate water reading.

“4. Sand points may not be developable.

“5. This option is technically biased to show success without proving anything.

“6. The DNR does not know of any projects similar to this using sand points for this purpose.

“7. Installing sand points in MSF 1 with the concrete line already installed could affect the liner integrity.

“8. Leave all the wells at this time and continue to monitor the water levels.”

Jenson's summary of the January 3 meeting between state officials and Pinnacle Dairy's operators further noted:

“Condition 2 was voided when the original monitoring wells were moved without approval from the county.

“Water levels are showing connectivity with the lower water table and will not be able to drain the site with the recharge.

“Monitor the amount of water coming out of the tile lines at Searles Creek.”

In other words, Pinnacle Dairy's test wells – in an attempt to lower the water table below the manure storage sites — are releasing unacceptably large amounts of water into little Searles Creek. To date, Pinnacle Dairy does not have its critical WPDES permit issued by DNR. Lacking that permit could put Pinnacle Dairy's owners in even more hot water, if illegal run-off occurs from the site prior to issuance of the WPDES permit. DNR's issuing that permit is contingent upon meeting all Conditions set forth by regulators.

## Nothing like bull-headed Dutchmen ...

The phrase “bull-headed” appears in the headline of this story, implying a bull charging ahead without heed to the obstacles. We apologize in advance to male members of the bovine species for comparing them to members of the Tuls family. But at a certain point, charging ahead full-steam with continued construction at the Pinnacle Dairy site, ignoring requests from Green County to halt construction ... all the while absent that critical WPDES permit ... is rather bull-headed, even for those of Dutch extraction. (Note: The author counts Dutch blood, from way back.)

“Bull-headed?” On September 15, Todd Tuls testified at a DNR hearing in nearby Albany, Wisconsin. That hearing was called to take public testimony on DNR's consideration of a WPDES permit for Pinnacle Dairy. At that hearing, Tuls testified that the Almighty had ordained him a dairy farmer: “I truly believe that I was gifted by God to be a dairy farmer.” A local weekly newspaper, *The Independent-Register* (Brodhead) featured the following headline at the top of page 1 following Tuls' “ordination speech”:

### “Tuls credits God for dairying knack; public implores DNR for tougher standards”

Who knows? Perhaps there is some validity to Todd Tuls' claim that God gifted his dairy farming talents. Shortly after that public comment, Pinnacle Dairy started circulating a flyer soliciting employees to work at the farm. The telephone number of the main contact at Pinnacle Dairy was for a fellow named “Jesus.” (Note: If the 23<sup>rd</sup> Psalm had been revised by Todd Tuls, it might read, in part: “He maketh me to lie down in *brown* pastures, he leadeth me beside the *swill* waters.”)

## This issue won't go away ...

The absurd proposal to locate a 5,800 cows on a low-lying, 127-acre site has ignited political activism, locally and perhaps even at the state level. Somewhat coincident with the Tuls' unveiling their mega-dairy proposal, the Southwestern Wisconsin Chapter of the Wisconsin Farmers Union has become a hotbed of political activism and deeds. Some folks strongly opposed to the Tuls mega-dairy have already been elected to the Green County board of supervisors. And more concerned individuals are lining up their nomination papers to challenge a handful of country supervisors deemed too friendly to the Tuls and their mega-dairy.

## Wisconsin “Open for business” - Gov. Walker

The day after his initial election victory securing Wisconsin's governorship in November 2010, Scott Walker proclaimed “Wisconsin is open for business” at a meeting of the Dairy Business Association – a lobby group representing the state's big dairy farmer interests. The state's big dairy producers had strongly backed Republican candidate Walker. That prior summer, dairy producer Jim Ostrom, one of the owners of Milk Source, LLC, had hosted a \$10,000 per head fund-raiser for Walker to which key dairy farmer and cheese industry notables had been invited.

“Open for business” during the Walker administration has meant the state's DNR blissfully ignoring water quality issues, when it comes to CAFOs. Walker's long-serving DNR Secretary, Cathy Stepp, heeded business interests and political donors at every opportunity. The biennial 2015-2017 state budget, championed by the governor, contained the following items that typified environmental attributes among Wisconsin's Republican leaders:

- Funding for about three dozen DNR water scientists was wiped out.

- A single county – Dane County – was legislatively prohibited from testing surface water or groundwater quality. That move was seen as a slap to Dane County's liberal politics.

Other unfortunate events during Walker's aegis include:

- Long-term failure to address the horrendous pollution of ground and surface waters in Kewaunee County, where private wells are seriously polluted with nitrates and *E. Coli* bacteria.

- Forbidding the head of an obscure state agency from talking about “climate change” while on the job. (That employee just happened to be the daughter of former Wisconsin governor and United States Senator Gaylord Nelson – founder of “Earth Day.”)

- Suspending all environmental oversight for a project involving a Taiwanese firm – Foxconn – building a computer screen factory in the southeastern corner of Wisconsin. Total state subsidies for that project run upwards of \$13 billion.

- Green Bay, in the northeastern corner of the state, has become so polluted that it suffers “dead zones” each summer.

“Open for Business” means “Eyes Wide Shut on Environmental Issues” in Wisconsin.

# Jen & Bryce Riemer: Neighbors Concerned About Water & Air Quality

by Pete Hardin

Bryce and Jen Riemer took over his family's farm on Riemer Road in the Town of Decatur seven and a half years ago. His family has farmed that property since 1927. Bryce and Jen operate a grass-fed livestock and poultry business, selling their products at farmers' markets, retail outlets, restaurants, and directly to consumers. Their farm is adjacent to Pinnacle Dairy. Jen and Bryce have opposed the Tuls' mega-dairy project from the first instant they heard of it.

Jen relates how they were packing for a Fourth of July weekend getaway with their three daughters when Bryce's dad explained he'd had a semi-intelligible phone message from one of the Tuls about building a nearby dairy with over 5,000 cows. Bryce's dad returned Tuls' call and asked him to come by a few days after the holiday. Undeterred, Tuls showed up a little later carrying manure easements contracts for the Riemers to sign. Todd Tuls proposed that the Riemers shift their agricultural operation to taking liquid manure from his dairy and raising corn silage for them. The notion of shifting their grass-based, direct-marketing farm business to taking loads of manure and wastes from Pinnacle Dairy and mono-cropping corn silage wasn't exactly the dream that young Bryce and Jen had fostered.

Once she gathered herself, Jen sent out a letter to land-owners within five miles of the Pinnacle Dairy site, inviting them to a meeting at the Riemer's farm about the mega-dairy project in the neighborhood. She expected a couple dozen attendees. But over 120 folks showed up ... and almost every single one of them opposed the notion of plunking 5,000+ dairy cows in the eastern part of the Town of Sylvester. From that point on, the community has exhaustively organized against the Tuls' dairy – hence, the plethora of “NO FACTORY FARMS” signs proliferating in and around Brodhead, Wisconsin.

Many neighbors harbor fears that they're fighting the inevitable ... that the upside-down environmental politics prevailing in Wisconsin these days spell doom for those fighting against Pinnacle Dairy. But they'd rather go down



Bryce, Kalena (11), Caroline (5), Elli (13) and Jen Riemer. Bryce and Jen operate a pasture-raised meat business, selling poultry, beef and pork. Their farm is adjacent to the Pinnacle Dairy site.

fighting than be silent in the face of what's generally acknowledged as an environmental fiasco for their community. Jen and Bryce Riemer plan to pursue their dreams and work for policy changes locally and state-wide. She's working to secure a grant to build a small-scale poultry processing operation in southwestern Wisconsin. Learn more about their farm at:

[www.RiemerFamilyFarm.com](http://www.RiemerFamilyFarm.com)

## Plopping a 5,800-Cow CAFO on 127 Low-Lying Acres, con't

Continued from page 10

At the state-wide level, the Wisconsin Farmers Union is in the early phases of proposing a legislative roll-back of the law that removed CAFO zoning approval for counties and towns. Despite widespread concerns about water quality issues in Wisconsin, it has taken a long time for a coalition of groups to unify and to take the lead on such issues.

### What goes around may come around ...

The Tuls family's mega-dairy in Rock County, Wisconsin – east of Janesville – benefited from public opposition that ultimately helped torpedo the proposed A. J. Bos dairy that had been partially constructed near Nora, Illinois. The Bos dairy had been perhaps one-third (or more) constructed when the Illinois Department of Environmental Protection terminated that project. Bos had already constructed silage pits and packed in silage. Cement had been poured for the cattle barns; uprights, trusses and roofing materials were in place when Illinois state officials pulled the plug on the Bos project. When that mega-dairy could not be completed, many building materials were disassembled and trucked to the Tuls dairy east of Janesville.

What caused CAFO-friendly Illinois environmental regulators to halt the Bos project at Nora, Illinois? It turned out that leachate from the corn silage bunkers somehow chemically turned a brilliant hue of purple and ran off Bos' property, into a small, unnamed stream. An ever-vigilant neighbor called local anti-CAFO activists, who were certified to take water samples. Those samples were then sent off to both the state and federal environmental regulators. For all the hoopla and millions of dollars spent by A. J. Bos on that project, the engineering firm had failed to file the proper paperwork and fee to gain the required IPDES permit. Lacking that permit, when the Bos mega-dairy project committed a water pollution violation, the state showed no mercy and shut down the entire project.

Back to Wisconsin ... the Pinnacle Dairy project has yet to secure a WPDES permit. Pinnacle Dairy is under the gun to lower groundwater levels under the manure storage facilities. But Pinnacle Dairy has now been warned by DNR officials that excess flow of water from its test wells into nearby, tiny Searles Creek is unacceptable. If Pinnacle Dairy cannot lower the water table under its manure storage areas, and if Pinnacle Dairy cannot refrain from overloading drain tiles' effluent into Searles Creek, then the controversial Tuls family's Pinnacle Dairy will be hard-pressed to gain a WPDES permit. And without a WPDES permit, Pinnacle Dairy will never populate the site with dairy cows.

Maybe, just maybe, what went around with the A.J. Bos dairy in northwestern Illinois – constructing the CAFO without full state-issued permits in place – will return to haunt Pinnacle Dairy. The Tuls' dreams are the neighbors' nightmares west of Brodhead, Wisconsin.

**Afterword:** Skeptics properly advise that thick Wisconsin politics may “trump” (pardon the phrase) the state DNR's following the rules. Those thick politics go far beyond local flunkies like Governor Scott Walker. One of the construction firms working big-time at Pinnacle Dairy is related to U.S. Representative (and Speaker of the House) Paul Ryan. On the other hand, the issues of high water tables underlying Pinnacle Dairies' manure storage areas ... and excess effluent flowing from Pinnacle Dairy's test wells into tiny Searles Creek ... may be too much for the even the “rah-rah CAFOs” officials at Wisconsin's DNR leaders to ignore.

— Kewaunee County, Wisconsin

## Be Careful When Drinking the Water

by Pete Hardin

Wisconsin's “worst of the worst” example of CAFO pollution of water quality is currently found in Lincoln Township (Kewaunee County) – located just east and northeast of Green Bay. In Kewaunee County, water from an estimated 34% of all tested private rural wells is unsafe to drink – due to contamination with nitrates and *E. Coli* bacteria. Most of that contamination traces back to livestock wastes and fertilizer run-off.

Northeast Wisconsin has the densest concentration of CAFOs in the nation. Kewaunee County counts 17 CAFOs, which swell the county's dairy livestock population to around 98,000 head. Dairy livestock out numbers humans in Kewaunee County by nearly a 5 to 1 ratio. Such density of livestock presents water quality problems. Kewaunee County features karst topography – i.e., striated limestone/sandstone bedrock that was formed untold geologic eons ago when oceans covered that area. Atop that karst bedrock is a narrow band – about four feet deep – of topsoil. The topsoil depth does not adequately buffer heavy concentrations livestock wastes' run-off. Worse still, karst formations include numerous fissures that run deep into the ground. At their most expressive, those fissures become sinkholes – pathways for surface water (and incumbent pollutants) to head deep into the groundwater. Research has shown that groundwater may move through karst at rates of up to five miles per hour!

In Kewaunee County, not only are some homeowners unable to drink their water due to contamination, but unlucky others are ill-advised to even bathe or shower in that water. Property values are declining for residents whose water wells are contaminated. In nearby Algoma, citizens with impaired water quality may fill up containers with fresh drinking water near a public school. During some bad stretches, the Lake Michigan beachfront at Algoma is rendered downright disgusting and unswimmable — due to thick, green-frothy foam floating in the water and blown by winds onto the Crescent Beach. That gross, green mess stems from massive algae growth spurred by contaminants running off some local farms.

Concerned citizens in Kewaunee County banded together several years ago to try to find administrative redress for the surface and groundwater pollution. That group is known as “Kewaunee Citizens Advocating Responsible Environmental Stewardship (Kewaunee CARES).” You can find out more their Kewaunee CARES website at:

<https://kewauneecares.wordpress.com/>

The dire condition of water pollution in Kewaunee County has been eloquently stated by concerned local citizens. Problem is: state and federal bureaucrats haven't been listening ... or don't care. Two of “Kewaunee Cares” premier trouble-makers – Lynn and Nancy Utesch – were singled out for special treatment by now former DNR Secretary Cathy Stepp. Her office listed the Utesches as “DNR” i.e., DO NOT RESPOND. The Utesches, who raise grass-fed beef for sale, simply asked more questions than DNR's higher-ups could tolerate. (No truth to the rumor that Stepp's “DNR” designation for the Utesches stood for “DO NOT RESUSCITATE.”)

For her performance in overseeing the demise of Wisconsin's water quality and once-sterling DNR's environmental oversight, in late 2017 Cathy Stepp was named to a high-level post at the federal Environmental Protection Agency by President Trump.