



WI Supreme Court Agrees to Hear CAFO Pollution Permit Case Decision Will Have Far-Reaching Implications for All State Agencies

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Madison, WI—A case involving the authority of the Department of Natural Resources to regulate water pollution from concentrated animal feeding operations is headed to Wisconsin’s Supreme Court.

This development marks a new phase for a case that began more than six years ago when neighbors of Kinnard Farms, one of the state’s largest concentrated animal feeding operations, filed a petition with the DNR requesting a review of the water pollution permit issued to Kinnard in 2012. The petitioners, represented by Midwest Environmental Advocates, filed the challenge because Kinnard’s water discharge permit did not do enough to protect water resources and public health.

In 2014, an administrative law judge issued a decision that included orders for groundwater monitoring and capping the number of animals as enforceable permit conditions. DNR originally agreed with the 2014 decision, but former Secretary Cathy Stepp later denied the agency had the authority to do so.

A Dane County Circuit Court later overturned Secretary Stepp’s decision and rejected the Justice Department’s narrow interpretation of Act 21 which limited DNR’s authority to impose permit conditions unless the conditions were “explicitly” authorized by statute or rule.

When DNR appealed the circuit court decision, an appeals court declined to issue a decision, asking instead that the Wisconsin Supreme Court take the case, along with a high capacity well permitting case that also involves Act 21. MEA submitted amicus, or friend of the court, briefs in the high capacity well case as well. Earlier this week, the Supreme Court agreed to hear the case and issue a final ruling. The high court’s determination regarding the scope and breadth of Act 21 will likely have far-reaching implications for every state agency within Wisconsin.

In response to the Supreme Court’s decision to accept the case, MEA Staff Attorney Tressie Kamp said, “We look forward to arguing the merits of this case and reaching a resolution for Kewaunee County residents who want to protect the water they drink and the value of land that has been in their families for generations.”

Visit Midwest Environmental Advocates online for more information on this case.

Midwest Environmental Advocates is a public interest law center that uses the power of the law to support communities fighting for environmental accountability. Learn more about MEA on the web at midwestadvocates.org, like [MEA on Facebook](#) or follow [@MidwestAdvocate](#) on [Twitter](#).

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