

Manure spill of 1 million gallons nets farmers \$464 fine

By [Lee Bergquist](#) of the Journal Sentinel
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More than 1 million gallons of manure flowed from a small farm over several months this year, say Marathon County officials, who learned about the pollution case in a handwritten note from a tipster.

The waste, they discovered, quickly filled a storage tank the size of a small basement. From there, the manure trickled into a wetland and eventually entered the Little Eau Pleine River in far western edge of the county.

"It's the largest one I've dealt with," said Paul Daigle, Marathon County's land and water program director.

Marathon County has one of the largest livestock populations in the state. Daigle has worked for the county for 29 years.

The fine in this case? \$464.10.

In other environmental cases involving farms since 2008, forfeitures levied by the Department of Natural Resources have often exceeded \$30,000.

In 2009, one farm paid forfeitures and other penalties totaling \$85,000, according to DNR records of cases tracked for farms under 700 milking cows.

Former DNR Secretary George Meyer, who has been critical of the agency under the administration of Gov. Scott Walker, believes the penalty in Marathon County was too low.

While the agency has the obligation to consider extenuating circumstances, hefty fines serve as deterrent for others, Meyer said.

"This is ultimately why you have forfeitures," said Meyer, who led the DNR's enforcement division for 10 years. "You can have hunting and fishing violations that are more than this."

Cases involving manure pollution have attracted growing attention in recent years as the number of larger farms have grown, and in some cases, farmers wanting to expand or build from the ground up have faced strong local opposition.

Daigle declined to comment on the DNR's handling of this case, but he noted that the agency has levied heavier penalties in other cases.

DNR officials defend the handling of the matter and said that small farms with a first-time violation, by law, do not face the same level of penalties as large farms. In Wisconsin, concentrated animal feeding operations, or CAFOs — with a minimum of 700 milking cows — undergo more regulations than smaller farms.

In the Marathon County case, the farmers quickly responded and took steps to control the manure spill when confronted by county and DNR personnel, according to Deborah S. Dix, an environmental enforcement specialist. Other steps have been taken to ensure that manure from the cattle can be spread or stored elsewhere if the farmers run into storage problems.

In this case, she said, the farmers had two manure spreaders that were broken.

The farm is owned by Patrick Willcome and his brother Damian of Spencer. According to records in the case, the farm has had 120 milking cows and other cattle on the site in recent years.

The Willcomes did return a call asking for comment.

On May 2, the DNR received a handwritten note in the mail, stating the manure pit at the farm had been overflowing for months. A Marathon County official inspected the site visit that day. After reviewing satellite photos from Google maps, Marathon County authorities concluded that manure has been flowing off the property since last September.

Daigle estimated more than 1 million of gallons has flowed out of the storage unit. The DNR estimated about 600,000 gallons.

Meyer, the former DNR secretary, questioned why the DNR did not refer the case to the state Department of Justice. In such cases, if parties are found liable, penalties would be higher.

Steve Sisbach, the DNR's top environmental enforcement official, said he agency would be hard-pressed to prove it court that so much manure was involved, despite the estimates.

DNR spokesman Bill Cosh said Friday in a statement that DNR's top officials became aware of the violation this week.

"We are reviewing the particular circumstances in concert with existing law and guidance to determine if additional options or process changes are available," Cosh said.

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