



## KEEPING THE COWS IN WISCONSIN™

March 7, 2007

Town of Magnolia Board  
Atty. Peter E. McKeever- Garvey, McNeil & McGillivray, S.C.  
Green Rock Citizens for Clean Water  
Denny Caneff – River Alliance of Wisconsin

To all of those concerned,

We write on behalf of Larson Acres and the other members of the Dairy Business Association of Wisconsin. We write in response to the allegations set forth in the February 19<sup>th</sup>, letter addressed to the Magnolia Town Board authored by Attorney McKeever, on behalf of Green Rock Citizens for clean water.

The question before the Town Board is whether or not the Larson Acres application is in compliance with the statewide siting standard. The letter from Attorney McKeever acknowledges that the application meets state standards, but the letter also tries to confuse the real issue at hand by making wild accusations and personal attacks on the Larson family which are not based on fact.

The Agricultural Siting Law (Wisconsin Act 235) was developed over several years with many opportunities for experts and the general public to comment on its contents. All of the key stakeholders had a role in crafting ACT 235 and ATCP 51; farmers, counties, towns, cities, environmentalists, conservationists and more.

Wisconsin Act 235 by itself was a relatively simple bill. It was intentionally left that way by the authors and standing committees so that the critical rule writing process would take place in the public arena of thoughtful debate and discussion. The legislature partnered with the Secretary of the Department of Agriculture to create a 21 member advisory committee made up of a broad range of interest from environmentalists to farmers, from elected state officials to local officials. The process was fair to all concerned stakeholders.

What you are being told to do by the letter from Attorney McKeever is to ignore the democratic process because one stakeholder group didn't get everything they wanted in the rule making process. It took 20 pages to demand that you do one thing and one thing only. Deny the application by the Larson's unless they are willing to submit their farm and only their farm to overreaching and punitive regulations.

The language in statute (s.93.90) and (ATCP 51) references NRCS 590 nutrient management standards. The 590 standards that Larson must follow are the same NRCS 590 standards that Agriculture all over this nation is required to follow.

On page 3 of Atty. McKeever's letter he requests that specific conditions be placed on the conditional use permit by the Town Board. He goes on to assert "All come directly from NRCS Standard 590 with minor adaptations in some instances". This is a



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wildly misleading statement. In fact, if you follow his suggestion the 'minor adaptations' you are being asked to impose would require the applicant to follow standards that were not part of the law, and are not imposed on any other agribusiness in the state. The proposed conditions **do not** come directly from NRCS 590.

Despite the selective "science" that Atty. McKeever put together for your consideration, as the siting law requires, **there is no peer reviewed scientific evidence that any groundwater problems in the Town of Magnolia or the Norwegian Creek Watershed can be attributed to the agricultural practices of any one source.**

The water issues in the Town of Magnolia reflect issues found state-wide. To point at one individual operator and place blame for all of the problems in the town is ludicrous. When you look at all the data, you will find that there are many sources of water contamination in your town and this fact is supported by the Rock County Health Department in a statement made at the March 1<sup>st</sup> meeting at DATCP office. Isn't it ironic that the Green Rock Citizens for Clean Water have turned a blind eye to their neighbor with the failed septic system or improperly closed wells and they stand mute when the Municipal Waste Treatment Facilities in Dane County find Rock and Green Counties to be an ideal place to dispose of thousands of gallons of partially treated sludge.

The law is clear. We only ask that you follow the law as written, put reason before emotion and wisdom before irrational fear. The Agricultural Siting Law clearly includes a provision for regular review of this Administrative Rule ATCP 51 by the Department of Agriculture, Department of Natural Resources and the standing committees of the Legislature. If the rules as written in ATCP51 are found to be lacking, the authors and committees who created the law provided regularly scheduled review of the rules so necessary and reasonable changes can be made in short order.

With kindest regards,

The Dairy Business Association of Wisconsin