Juneau County Board of Supervisors

Courthouse, 220 East State Street
Mauston, Wisconsin 53948

RESOLUTION No. 18 - 71 **DATE: December 18, 2018**

INTRODUCED BY: Executive Committee

SYNOPSIS: Resolution Approving the Memorandum of Understanding between Juneau County, Wood County, the Wisconsin Department of Natural Resources, and the Armenia Growers Coalition, L.L.C.

WHEREAS, Juneau County and Wood County (jointly referred to as "the Counties") have tested more than 100 private residential wells in the Counties and found many of the wells produced water exceeding of the state drinking water standard of 10 mg/L for nitrate; and

WHEREAS, the United States Environmental Protection Agency ("EPA") conducted testing at 5 private residential wells west of Petenwell Lake in northeast Juneau County and found elevated levels of nitrates in samples taken from those wells; and

WHEREAS, the Juneau County Health Department and the Juneau County Land and Water Resources Department, under the direction of Health Officer Barbara Theis and County Conservationist Matt Komiskey, respectively, have been working arduously to assess the nature and extent of the existing problem and to develop proposed actions to be taken, all in conjunction with the Wisconsin Department of Natural Resources ("WDNR") and the EPA; and

WHEREAS, the Armenia Growers Coalition, L.L.C. ("AGC") was formed to represent three of the largest of the many farming operations in the agricultural corridor that is west of the Wisconsin River, south of Port Edwards, north of Necedah, and east of several state natural and wildlife areas; and

WHEREAS, AGC, in receipt of the aforementioned testing results, has voluntarily coordinated and collaborated with the Counties on a response effort to offer residents bottled drinking water and an in-home point-of-use water treatment system if wells in the affected agricultural corridor test above 10 mg/L for nitrate (referred to as "the Clean Drinking Water Plan"); and

WHEREAS, the Counties and WDNR have agreed to collaborate with AGC on further investigation of the nature and extent of the problem in the agricultural corridor, including Groundwater Hydrogeology, Agricultural Practices and Monitoring Plans, and to collaborate on implementation of the Clean Drinking Water Plan; and

WHEREAS, the Counties, WDNR, and AGC have negotiated and agreed to a proposed Memorandum of Understanding ("MOU") as a basic vehicle for proceeding to work together toward the joint aims of the parties and to promote the best interests of the residents of the Counties who may be affected by the problem; and

WHEREAS, a true copy of the proposed MOU, in its entirety, is attached to this Resolution, and the document is now endorsed by the all the parties, including the management and governing committees of the Juneau Department of Health and the Juneau County Land and Water Resources Department; and

WHEREAS, the federal EPA is greatly concerned about the problem confronted by residents of the Counties, has closely monitored the progress of the negotiations and ultimate agreement between the parties, and has indicated its willingness to allow the MOU to be adhered to by all parties in lieu of taking any further enforcement action within its jurisdiction at this time so as to reach an effective resolution to the problem by mutual cooperation and as promptly and efficiently as possible; and

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WHEREAS, the MOU would be in the best interests of the Counties and their residents because it would facilitate the necessary water testing, analysis, and responsive action to address the problem effectively in the immediate term and ultimately on a more long-term and lasting basis at the least cost to the Counties because of the substantial costs to be paid for by AGC under the MOU;

NOW, THEREFORE, BE IT RESOLVED, that the Juneau County Board of Supervisors shall and hereby does approve the attached Memorandum of Understanding and authorize County Board Chairperson Alan K. Peterson to duly execute the document, as the official act of Juneau County.

INTRODUCED AND RECOMMENDED FOR ADOPTION ON DECEMBER 18, 2018.

EXECUTIVE COMMITTEE

Alan K. Peterson

Alan K. Peterson, Chairperson

Michael Kelly

Michael Kelly

Lynn Willard

Lynn Willard

Adopted by the County Board of Supervisors of
Juneau County on December 18, 2018

Terri L. Treptow

Terri L. Treptow, Juneau County Clerk

Motion to adopt by Kelley and seconded by Thomas.
Motion by Wenum to defer action until January meeting to allow for more serious research, seconded by Zindorf.
Koca called for question.
Chairman Peterson asked for an all in favor vote. 19 ayes; 1 nay - Chairman Peterson. Motion carried.

The Complete MOU was adopted at the January 14, 2019 Juneau County Board of Supervisors Meeting. All in favor. 2 Absent Feldman and Hartford.

Terri L. Treptow

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