Ex. 5 AC/AWP/DP

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From: Ex. 6 Personal Privacy (PP) **Ex. 6 Personal Privacy (PP)**
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Subject: KEWAUNEE: DNR WILL PROVIDE EMERGENCY DRINKING WATER

Midwest Environmental Advocates

DNR will provide emergency drinking water for families with contaminated wells

Years of citizen pressure results in agency acting on existing power

FOR IMMEDIATE RELEASE: May 9, 2017

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MADISON, WI – The Wisconsin Department of Natural Resources is taking steps to provide emergency drinking water to rural Wisconsin residents with drinking water wells that are contaminated with livestock manure. After several years of petitions, meetings and citizen pressure, the state agency has agreed to use an existing part of our state's administrative code – Chapter NR 738 – to initiate procedures to provide drinking water to qualifying residents.

"Brown water events" are not new to rural Wisconsinites who live near fields where livestock manure is spread for both fertilizer and for disposal. But the uptick over the last decade in the number of our state's largest livestock operations and their tens of millions of gallons of liquid waste has created a public health threat when manure is spread on land, soaks into ground, enters the groundwater and families' drinking wells and the concentration of pathogens spikes.

"This relief has been a long time coming, and we're glad the DNR finally stepped up to address this public health threat," said Staff Attorney Sarah Geers. "Our primary concern has always been getting

emergency supplies of clean drinking water to residents suffering with manure-contaminated wells. Several years ago, we asked the DNR to explore its existing options like the funding and authority in Chapter NR 738 to provide this relief. Despite the delay, we thank the DNR for continuing to look for solutions to the pervasive public health crisis of manure contamination."

Here is what we know about the DNR's proposal to supply emergency drinking water to those with manure-contaminated wells, sometimes called "brown water events":

- **Who qualifies:** A private well owner who has experienced a brown water event or had a positive *E. coli* test can contact DNR immediately.
- **DNR advisory**: DNR staff will respond as soon as possible (hopefully the same day) to determine if manure is the likely cause of contamination. If DNR staff determine that livestock manure is the likely source, the DNR can immediately issue an advisory to the well user. This advisory will allow the resident to access emergency drinking water.
- **Where to get water:** Residents who have been issued advisories can use a network of water companies to obtain an emergency drinking water supply delivered to their home.
- **Water testing**: DNR staff will also take a water sample to conduct a test called Microbial Source Tracking (MST) to further confirm that animal manure caused the contamination.
- **Permanent solutions and well compensation:** DNR will provide this emergency drinking water for approximately six months while DNR staff works with the private well owner to find a permanent solution (including the DNR's Well Compensation Program).

Years of public pressure on the DNR to use its existing power to protect drinking water prompted this action.

- In 2004, after the Treml family's then six-month old daughter was hospitalized after ingesting contaminated well water, the public rallied around a state ban on winter manure spreading.
- Starting in 2012, Kewaunee County residents began a years-long challenge to the terms of the state's approval of a CAFO water pollution permit for Kinnard Farms, Inc. which is still in the courts due to the reluctance of the DNR to use what power judges agree already exists in state law to curb livestock manure pollution.
- In 2014, Midwest Environmental Advocates worked with Clean Wisconsin, the Environmental Integrity Project, the Midwest Environmental Defense Center, Kewaunee CARES and the Clean Water Action Council of Northeast Wisconsin to jointly file a Petition for Emergency Action with the U.S. Environmental Protection Agency to formally request federal action under the Safe Drinking Water Act.
- In 2015, Midwest Environmental Advocates outlined the DNR's non-compliance with the federal Clean Water Act in a Petition for Corrective Action to the EPA which included the experiences of individuals whose lives are impacted by livestock manure pollution. The nonpartisan Legislative Audit Bureau's review of DNR water pollution permitting echoed how the Petition for Corrective Action detailed the gaps between both our state laws and the DNR's practices and the drinking water protections provided in the federal Clean Water Act.

All of these actions reflect one thing: citizens want our state government to use its power to protect our drinking water. We applaud the DNR for taking action to provide emergency drinking water to any Wisconsin resident with a water well that is contaminated with manure.

The DNR has more information on problems with manure in drinking water on the agency's website.

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

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