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FOR IMMEDIATE RELEASE
November 21, 2002

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ENVIRONMENTALISTS GLAD RUSH RIVER WILL BE CLEANED-UP; DECIDE TO DELAY FEDERAL SUIT

Baldwin, WI – Local environmental groups today praised a lawsuit filed by the Wisconsin Department of Justice against a local mega-dairy for illegally spilling manure and animal feed runoff over the past several years into the Rush River, a highly valued trout fishery. The lawsuit was filed at the request of the Wisconsin Department of Natural Resources (DNR).

Local chapters of the Sierra Club and Izaak Walton League of America stated that they would delay their federal lawsuit against Jon De Farm for its illegal manure discharges to the Rush River. The tentative delay was announced after the Wisconsin Department of Justice initiated its lawsuit against Jon De Farm, Inc. for its repeated violations of its clean water permit.

“It doesn’t matter who enforces the law as long as the Rush River and its highly valuable trout fishery is protected,” said Harold Fosmo, a member of the Western Wisconsin Chapter of the Izaak Walton League of America. “I fish in the Rush River, and my family has lived on or near the Rush River for about 150 years. Hopefully, this lawsuit will result in a clean and healthy Rush River that will be protected for another 150 years.”

In the past several years, Jon De Farm, Inc. has violated federal environmental and public health protections by discharging untreated animal waste directly into the Rush River and in some cases failed to report those discharges to the Wisconsin DNR. The Wisconsin DNR has classified the Rush River as an exceptional stream deserving special protection under the law.

“Even after we notified Jon De Farm, Inc. of our intent to protect the Rush River, local community members continued to witness manure spills,” said Caryl Terrell, Director of the Sierra Club-John Muir Chapter. “With this lawsuit the state recognizes that Jon De Farm, Inc. must stop illegal pollution to protect the river for everyone who enjoys the Rush River for fishing or birdwatching.”

Fosmo and other advocates for the Rush River, including local groups of the Sierra Club’s John Muir Chapter and Izaak Walton League of America, joined together last September in an attempt to prevent Jon De Farm, Inc. from causing future manure spills and animal feed runoff into the Rush River. Because of the State’s recent lawsuit, the Sierra Club and Izaak Walton League have tentatively decided not to file their lawsuit in federal court. However, the groups stated that they may intervene in the case if the State does not obtain the necessary protections for the Rush River.

“We’ll be watching the State’s case closely to ensure that the Rush River and all those who depend on the river receive the protection that they deserve,” said Andrew Hanson, attorney with Midwest Environmental Advocates, Inc. representing the Sierra Club and Izaak Walton League. “That said, we’re thrilled that the Department of Justice is quickly moving towards a cleaner future for the Rush River.”

Midwest Environmental Advocates, Inc., a nonprofit environmental law center, and Garvey & Stoddard, S.C. are providing legal representation to the local groups.

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