

Kinnard Farms sues DNR over water quality requirements

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Big dairy farm in Kewaunee County has challenged the requirement to monitor water quality for manure contamination. The move is the latest chapter in the ongoing conflict over nitrate contamination. Isiah Holmes reports.

KEWAUNEE - Kinnard Farms, one of Wisconsin's largest dairy producers, has filed a lawsuit to challenge requirements that the operation test water quality near fields where manure has been spread. The lawsuit, filed on Earth Day against the Department of Natural Resources (DNR), comes weeks after [the DNR announced](#) that Kinnard Farms would be required to monitor groundwater.

The move represents the latest chapter in the ongoing conflict over how to address groundwater contamination in the state. Nitrate contamination from the waste of farm animals is Wisconsin's most common groundwater contaminant. A report in February by the Environmental Working Group and Midwest Environmental Advocates found that in four Wisconsin counties, manure was applied more than 50% above the rate recommended by University of Wisconsin researchers to minimize pollution. Kinnard Farms, and Kewaunee County where it's located, was cited in the report.

The Kinnard Farms lawsuit came after the DNR revised the dairy operations' Wisconsin Pollutant Discharge Elimination System permit to require the water quality tests. The department added the requirement to the permit after a Clean Wisconsin lawsuit and [a Wisconsin Supreme Court ruling that the DNR has the authority to require monitoring of nearby](#)

[wells](#)

to

ensure that pollution standards are being followed.

“Kinnard is opposing the very basic step of checking to see if manure runoff is impacting the water supply,” said Clean Wisconsin staff attorney Evan Feinauer. “There is no doubt Kewaunee families are facing serious water contamination issues and have been for years.”

Under federal and state standards, nitrate levels shouldn’t exceed 10 parts per million in drinking water. No infants or pregnant women should consume water that exceeds that level, according to the standards. Infants suffer acute risks from nitrate contamination, including so-called “blue baby syndrome,” and other ailments. Some research suggests that nitrate-contaminated water may be linked to higher risks of thyroid disorders, diabetes, and certain cancers. [An analysis](#) done by the Environmental Working Group and Clean Wisconsin found that direct medical costs in Wisconsin linked to nitrate-contaminated drinking water ranged from \$23 million to \$80 million per year.

“This is about using science to understand what’s happening to our water resources and guide us to effective solutions that protect public health,” said Feinauer. “Groundwater monitoring can help us identify potential problems that lead to contamination and also validate whether the important conversation efforts that are already underway are making an impact.”

Feinauer highlighted that the requirements were a hard-fought victory won in the Supreme Court. “After years of litigation and a Supreme Court ruling affirming DNR’s responsibility to use these tools to ensure clean drinking water, it’s concerning to see that the notion of monitoring water quality to protect public health is yet again being challenged,” he said.

[New standards for manure spreading](#) were also issued by the Department of Agriculture, Trade, and Consumer Protection in August 2021. Two months earlier, in June, a manure spill at a Lincoln County dairy farm leaked into a creek, resulting in a fish kill.

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