
Wisconsin Legislative Council



Anne Sappenfield
Director

TO: MEMBERS, JOINT COMMITTEE ON FINANCE

FROM: Anne Sappenfield, Director

RE: Department of Justice Settlement and Proposed Plans of Settlement

DATE: May 31, 2022

This memorandum summarizes a proposed settlement for a case that the Department of Justice (DOJ) submitted to the Joint Committee on Finance (JCF) pursuant to s. 165.08 (1), Stats., in a letter dated April 27, 2022. In addition, the memorandum summarizes eight proposed plans of settlement that DOJ submitted to the JCF in letters dated April 27 and May 12, 2022. DOJ seeks approval of its proposed settlement and proposed plans of settlement.

WISCONSIN V. STEINMETZ—AGENDA ITEM X

State of Wisconsin v. Keith Steinmetz (Chippewa County Case No. 2020-CX-0004B) is a prosecution relating to the destruction of approximately 6.5 acres of forested wetland. Mr. Steinmetz is alleged to have hired and directed a contractor to clear, grub, and discharge fill into the wetland without first obtaining a water quality certification. In a settlement agreement previously approved by JCF, the contractor, Northland Excavating, LLC, settled its lawsuit with the State in this matter.

The total monetary penalty proposed is \$15,000 and includes \$10,117.35 in forfeitures. In addition, Mr. Steinmetz is required to restore the wetlands.

EMERALD SKY DAIRY PROPOSED PLAN OF SETTLEMENT— AGENDA ITEM XI

DOJ and Emerald Sky Dairy, LLC, have reached a pre-suit settlement for violations relating to a large concentrated animal feeding operation (CAFO). The allegations relate to manure ponding on an application site, manure not being retained where it had been land applied, manure run-off into a creek, and discharge of manure into a creek.

The total monetary penalty proposed is \$65,000 and includes \$41,409.87 in forfeitures and \$4,000 in attorney fees.

SPRING SOUTH PROPOSED PLAN OF SETTLEMENT—AGENDA ITEM XII

DOJ and Spring South, LLC, Tom's Petroleum Construction, LLC, and RCT Petroleum, Inc., have reached a pre-suit settlement for violations relating to underground storage tanks. The allegations relate to tampering with leak detection systems and failing to timely conduct annual functionality verification, perform tank system integrity assessment, investigate any suspected or obvious releases, report a petroleum release to the Department of Natural Resources (DNR), prevent a petroleum release

into the environment, and have credentialed persons present during installation and testing of underground storage tank system components.

The total monetary penalty proposed is \$15,000. Spring South, LLC, will pay \$10,000, which includes \$7,770.86 in forfeitures. The remaining defendants will pay a total of \$5,000, which includes \$3,833.86 in forfeitures.

RANDALL PROPOSED PLAN OF SETTLEMENT—AGENDA ITEM XIII

DOJ and Dale Randall, Randall Brothers, LLC, and Jade Excavation and Trucking, LLC, have reached a pre-suit settlement for violations relating to filling wetlands. The allegations against all of the defendants relate to discharging and maintaining fill material in approximately 22.45 acres of wetland without a certification or permit. Additional allegations against Mr. Randall and his business, Randall Brothers, LLC, relate to discharging and maintaining fill material on two additional sites without certification or permit.

The total monetary penalty proposed is \$25,000 and includes forfeitures of \$14,539.12 and \$3,500 in attorney fees. According to DOJ, Mr. Randall will pay the entire amount. In addition, Mr. Randall has committed to conduct wetland restoration.

BLUE ROYAL FARM PROPOSED PLAN OF SETTLEMENT— AGENDA ITEM XIV

DOJ and Blue Royal Farm, Inc., have reached a pre-suit settlement for violations relating to a large CAFO. The allegations relate to failure to submit a compliance engineering evaluation of its facilities and improperly storing feed in violation of the terms of its Wisconsin Pollution Discharge Elimination System (WPDES) permit.

The total monetary penalty proposed is \$45,000 and includes forfeitures of \$27,804.42 and \$4,000 in attorney fees. Blue Royal will also be required to construct a new feed storage area with appropriate run-off controls and cease storing feed in an unapproved area.

VILLAGE OF WILSON PROPOSED PLAN OF SETTLEMENT— AGENDA ITEM XV

DOJ and the Village of Wilson have reached a pre-suit settlement for violations relating to safe drinking water. The allegations relate to failure to comply with a January 2020 Consent Order entered by DNR and failure to pull and inspect the well pump supplying the community water system.

The total monetary penalty proposed is \$3,000 and includes forfeitures of \$1,954.08. In addition, the village will come into compliance with the 2020 Consent Order by pulling and inspecting the well pump and repairing any deficiencies.

CITY OF ELKHORN PROPOSED PLAN OF SETTLEMENT— AGENDA ITEM XVI

DOJ and the City of Elkhorn have reached a pre-suit settlement for violations relating to safe drinking water in Elkhorn's public water system. The allegations relate to failure to comply with the maximum containment levels for radium and arsenic, report these exceedances, and operate the treatment system to remove arsenic.

The total monetary penalty proposed is \$45,000 and includes forfeitures of \$30,525.51. In addition, the city must meet certain requirements to administer and maintain a safe drinking water program.

UNITED LIQUID WASTE RECYCLING PROPOSED PLAN OF SETTLEMENT— AGENDA ITEM XVII

DOJ and United Liquid Waste Recycling, Inc. (ULWR) have reached a pre-suit settlement agreement for violations relating to hazardous substance spills and pollution discharge. The violations relate to failure to report and remediate two spills of industrial and municipal waste, failure to properly maintain its facility, land spreading waste in prohibited areas, failure to submit required reports and maintain proper records, failure to obtain DNR approval for modifications to its facility, and exceeding discharge limitation.

The total monetary penalty proposed is \$160,000 and includes forfeitures of \$98,892.86 and \$14,500 in attorney fees. ULWR is working with DNR toward the issuance of a new WPDES permit.

UNITED SEPTIC & DRAIN SERVICES PROPOSED PLAN OF SETTLEMENT— AGENDA ITEM XIII

DOJ and United Septic & Drain Services, Inc., have reached a pre-suit settlement agreement for violations relating to failure to maintain septage servicing records.

The total monetary penalty proposed is \$5,000 and includes forfeitures of \$2,974.49 and \$500 in attorney fees.

Please let me know if I can provide any further assistance.

AS:ksm