
Wisconsin Legislative Council



Anne Sappenfield
Director

TO: MEMBERS, JOINT COMMITTEE ON FINANCE

FROM: Anne Sappenfield, Director

RE: Department of Justice Settlements for Approval

DATE: February 10, 2021

This memorandum summarizes the proposed settlements for the four cases that the Department of Justice (DOJ) submitted to the Joint Committee on Finance (JCF) pursuant to s. 165.08 (1), Stats., in letters dated September 30, 2020, and February 3, 2021. These cases are summarized below. For the first three items, DOJ seeks approval of its proposed resolution of the cases. For the fourth item, DOJ seeks approval for requesting dismissal of the case.

MEADOW VIEW DAIRY AND VANDEN ELZEN—AGENDA ITEM III

State of Wisconsin v. Meadow View Dairy and Christopher Vanden Elzen (Outagamie County Case No. 15-CX-02) is a prosecution related to violations regarding manure runoff from a dairy farm. According to DOJ,¹ the defendants (the LLC and the owner and operator of the farm) disputed the allegations and performed various compliance activities. A resolution has been reached.

The violations alleged include the following:

- Failure to notify the Department of Natural Resources (DNR) of the discharge of manure and failure to take immediate actions to minimize the effects of the discharge.
- Discharge of pollutants into waters of the State without a permit and without notifying DNR.
- Failure to apply for a Wisconsin Pollutant Discharge Elimination System (WPDES) permit.
- Failure to submit reports required under the WPDES permit in a timely manner.

The total monetary penalty proposed is \$15,000 and includes \$7,056.13 in forfeitures.

LEE N. ACCOLA—AGENDA ITEM IV

State of Wisconsin v. Lee N. Accola (Wood County Case No. 18-CX-04) is a prosecution related to manure runoff from a dairy farm. According to DOJ, the defendants disputed the violations but have agreed to settle.

¹ See letter from Charlotte Gibson, Administrator, and Corey F. Finkelmeyer, Deputy Administrator, Division of Legal Services, DOJ, to JCF, dated September 30, 2020.

The violations alleged include the following:

- Failure to notify DNR of the discharge of manure.
- Failure to take actions to minimize the effects of the discharge.
- Discharge of pollutants into waters of the State without a permit and without notifying DNR.

The total monetary penalty proposed is \$10,065 and includes \$5,355.45 in forfeitures. The defendant will also agree to actions to prevent future manure discharges on his farm, including agreeing not to engage in the dairy business, either individually or by holding any interest of any kind in any corporate or partnership entity that is engaged in the dairy business.

STEINMETZ AND NORTHLAND EXCAVATING—AGENDA ITEM V

State of Wisconsin v. Keith G. Steinmetz and Northland Excavating, LLC (Chippewa County Case No. 20-CX-04) is a prosecution relating to destroying and filling a high-quality wetland without a permit. According to DOJ, a resolution has been reached with Northland Excavating, but not with the owner of the property, Keith Steinmetz.

The violations alleged include the following:

- The defendants cleared, grubbed, and discharged fill into the wetland without first obtaining a water quality certification.
- Northland Excavating conducted that activity without requiring that the property owner demonstrate that he had obtained a permit.
- The owner has refused to restore the wetland.

The total monetary penalty proposed for Northland Excavating is \$12,000 and includes forfeitures of \$7,396.26.

DEJOY—AGENDA ITEM VI

State of Washington, et al., v. DeJoy, et al. (U.S. Dist. Ct. for the Western District of Washington, Case No. 20-cv-3127) was brought by 14 states, including Wisconsin, against the former Postmaster General and the President regarding operational changes in the Postal Service that resulted in slower mail prior to the November 2020 election.

According to DOJ,² the plaintiffs have agreed to voluntarily dismiss their claims because the election is completed and the Postal Service is subject to injunctions ordered in other cases.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

AS:ksm

² See letter from Charlotte Gibson, Administrator, and Corey F. Finkelmeyer, Deputy Administrator, Division of Legal Services, DOJ, to JCF, dated February 3, 2021.