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NEWS FOR IMMEDIATE RELEASE

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AG Kaul Announces Settlement Requiring \$70,000 Payment to Resolve Violations Related to a Fish Kill near Merrill in 2021

MADISON, Wis. – Attorney General Josh Kaul announced a settlement with the former owners and operators of Morning View Dairy, a medium-sized dairy farm near Merrill, Wisconsin. The defendants agreed to pay \$70,000 to resolve violations related to a fish kill in Devil Creek caused by the dairy in 2021. The settlement includes \$50,000 to be paid to the Department of Natural Resources (DNR) for the fish killed. The settlement was approved by the Lincoln County Circuit Court on September 26, 2024.

“The public can help ensure that violations of our water laws are addressed,” said Attorney General Kaul. “Thank you to the person who provided the tip that led to the investigation in this case.”

The State alleged that a leaky valve on the dairy’s manure storage facility allowed manure to escape and flow into Devil Creek. DNR first received a report contamination in Devil Creek on June 9, 2021. On June 10, 2021, DNR fisheries staff observed distressed, dying, and dead fish in Devil Creek from the dairy downstream to the creek’s confluence with the Wisconsin River. The manure caused the dissolved oxygen in the creek to drop to near zero and resulted in a complete kill of all species and sizes of fish over 3.8 miles of the creek.

The settlement requires Morning View Dairy, LLC, Erich W. Roth, the Erich Roth Living Trust, Heinz Roth, and Heinz Roth Living Trust to pay a total of \$70,000 in forfeitures, surcharges, court costs, attorney fees, and DNR costs.

The investigation of the fish kill began with a tip from the public. If you see water contamination or a fish kill, you can report it anonymously to the DNR Tip Hotline at 1-800-TIP-WDNR (1-800-847-9367).

Wisconsin Department of Justice (DOJ) Public Protection Unit Assistant Attorney General Emily M. Ertel represented the State of Wisconsin. DOJ worked closely with the DNR to obtain this result.

A copy of the Complaint, Stipulation for Judgment, Order for Judgment, and Judgment are available [here](#).

The Legislature's Joint Committee on Finance approved the proposed resolution on September 26, 2024.