

FILED
12-22-2025
Clerk of Circuit Court
Monroe County, WI
2025CX000006

STATE OF WISCONSIN CIRCUIT COURT MONROE COUNTY
BRANCH __

STATE OF WISCONSIN,
17 West Main Street
Post Office Box 7857
Madison, Wisconsin 53707-7857,

Plaintiff,

V.

Case No. 25-CX-____
Complex Forfeiture: 30109

SPRING VALLEY HOLSTEINS, INC.,
17718 Mercury Ave
Norwalk, Wisconsin 54648-8197,

ALAN FERRIES,
17718 Mercury Avenue
Norwalk, Wisconsin 54648-8197,

Defendants.

THE AMOUNT CLAIMED IS
GREATER THAN THE AMOUNT
CLAIMED UNDER WIS. STAT.
§ 799.01(1)(d).

COMPLAINT

The State of Wisconsin by its attorneys, Attorney General Joshua L. Kaul and Assistant Attorneys General Bradley J. Motl and Valerie A. Black, brings this Complaint against the above-named Defendants upon referral of the Wisconsin Department of Natural Resources (DNR) and alleges as follows:

1. Plaintiff State of Wisconsin is a sovereign state of the United States of America with its principal offices at the State Capitol in Madison, Wisconsin.

2. Defendant Spring Valley Holsteins, Inc., (Spring Valley) is a domestic limited liability company with its principal office at 17718 Mercury Ave, Norwalk, Wisconsin 54684-8197. Its registered agent is Deborah L. Ferries located at the same address.

3. Defendant Alan Ferries (Ferries) is an adult resident of the State of Wisconsin who resides at 17718 Mercury Ave, Norwalk, Monroe County, Wisconsin 54684-8197.

4. Ferries is a principal owner of Spring Valley.

5. At all times relevant to the allegations in this Complaint, Spring Valley owned and operated a medium-sized animal feeding operation located at 24450 County Highway T, Norwalk, Monroe County, Wisconsin (“the Site”).

6. At all times relevant to the allegations in this Complaint, Ferries operated Spring Valley and the Site. As operator, Ferries was personally involved in authorizing, supervising, directing, performing, and failing to perform the acts that constitute the violations alleged in this Complaint.

7. The Site is a dairy operation that had 979.5 animal units as of July 31, 2024.

8. An unnamed tributary to Moore Creek (Unnamed Tributary) runs through the Site. The Unnamed Tributary and Moore Creek are waters of the state.

LEGAL BACKGROUND

9. The State of Wisconsin enacted Wis. Stat. ch. 281.11 et seq to designate to DNR certain duties to protect and maintain water quality of this state.

10. Pursuant to Wis. Stat. § 281.16(3)(a), DNR promulgated rules and prohibitions to ensure, *inter alia*, livestock operations have no overflow of manure storage structures and no direct runoff from a feedlot or stored manure into the waters of the state.

11. Wisconsin Stat. § 281.01(18) defines “waters of the state” as the following:

those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

12. Wis. Admin. Code NR § 151.015(7) defines “Direct runoff” as follows:

“direct runoff” means a discharge of a significant amount of pollutants to waters of the state resulting from any of the following practices:

- (a) Runoff from a manure storage facility.
- (b) Runoff from an animal lot that can be predicted to reach surface waters of the state through a defined or channelized flow path or man-made conveyance.
- (c) Discharge of leachate from a manure pile.

13. Wis. Stat. § 281.31(1) states that “[t]he discharge of any pollutant into any waters of the state . . . by any person is unlawful unless such discharge . . . is done under a permit issued by [DNR] under this section”

FACTUAL BACKGROUND

14. The Site is a livestock operation.

15. The Site contains a manure storage facility.

16. Neither Spring Valley nor Ferries (collectively referred to as “the Defendants”) have a permit issued by DNR to discharge pollutants into any water of the state.

17. In or around October 2023, a manure transfer system associated with the Site’s manure storage facility started malfunctioning.

18. On or around May 13, 2024, the manure transfer system associated with the Site’s manure storage facility malfunctioned, due to a pump with a faulty electric motor, causing manure to overflow from the manure storage facility.

19. On May 13, 2024, DNR received multiple complaints about dead fish within Moore Creek.

20. On May 14, 2024, DNR received a complaint about dead fish downstream from the Unnamed Tributary and Moore Creek, in the Upper Kickapoo River Watershed.

21. From May 13, 2024 to May 15, 2024, DNR investigated the area around Moore Creek in response to the fish kill complaints.

22. On May 14, 2024, DNR observe manure particulate and dead fish within Moore Creek, including Brown Trout, White Suckers, and a Brook Trout.

23. On May 14, 2024, Defendants admitted using equipment to push manure that was discharging from the Site's manure storage facility to areas that drain into the Unnamed Tributary.

24. On May 14, 2024, Ferries reported the spill to DNR.

25. On May 14, 2024, Ferries estimated 4,000 gallons of manure were spilled from the Site's manure storage facility.

26. On May 15, 2024, DNR continued its investigation and observed dead fish within Moore Creek, including Brown Trout, White Suckers, Blacknose Dace, Longnose Dace, Johny Darter, madtom, and a shiner. No live trout were observed in the 1.2 miles of Moore Creek impacted.

27. On May 17, 2024, DNR observed manure discharging from the Site to Unnamed Tributary (May 17, 2024 Spill Event).

28. On May 17, 2024, Ferries used equipment to push manure that was discharging from the Site's manure storage facility to areas that drain into the Unnamed Tributary.

29. On May 17, 2024, Ferries estimated that 500 gallons of manure were spilled during the May 17, 2024 Spill Event.

30. On May 21, 2024, DNR observed the water in the Unnamed Tributary was turbid. This observation indicated that excessive levels of nutrients were still present in the Unnamed Tributary.

31. On June 25, 2024, DNR observed the water in the Unnamed Tributary and Moore Creek were turbid and contained foam. This observation indicated that excessive levels of nutrients were still present in the Unnamed Tributary and Moore Creek.

32. Manure discharged from the Site and into the Unnamed Tributary on at least May 14 and 17, 2024.

33. Manure discharged from the Site into the Unnamed Tributary on at least May 14 and 17, 2024 and subsequently discharged from the Unnamed Tributary into Moore Creek.

34. The manure discharged from the Site into the Unnamed Tributary on at least May 14 and 17, 2024 adversely affected approximately 1.2 miles of

aquatic ecosystem from the point of manure discharge at the Site into Moore Creek from the Unnamed Tributary.

35. DNR determined, through their investigations, that the manure from the Site was discharging into the Unnamed Tributary. The discharge originated from the malfunctioning manure transfer system associated with the Site's manure storage facility.

36. Electrofishing surveys were conducted by DNR from June 25–26, 2025 in Moore Creek.

37. On May 20, 2024, DNR issued a press release about the manure spill due to the impact the manure spill had on water quality in Moore Creek, and adjacent waterways in Monroe County; including waterways used for recreational purposes by the public.

38. DNR issued Ferries a Notice of Discharge on July 24, 2024, for the manure discharges at the Site that occurred in May 2024.

39. DNR issued a Satisfaction of Notice of Designation Letter to Ferries and Spring Valley on December 12th, 2024, after Defendants completed repairs of the manure transfer system and implemented management changes to prevent future discharges from the Site's manure storage facility.

40. DNR estimated that the economic loss that occurred from the fish kill on Moore Creek in May 2024 to be \$119,579.77.

VIOLATION 1: OVERFLOW OF MANURE STORAGE FACILITY

41. Pursuant to Wis. Admin. Code NR § 151.08(2), “A livestock operation shall have no overflow of manure storage facilities.”

42. On May 14, 2024 and May 17, 2024, manure overflowed the manure storage facility at the Site and discharged into the Unnamed Tributary.

43. Spring Valley and Ferries violated Wis. Admin. Code NR § 151.08(2) on at least May 14, 2024 and May 17, 2024 when manure overflowed the Site’s manure storage facility.

VIOLATION 2: DIRECT RUNOFF OF STORED MANURE INTO WATERS OF THE STATE

44. Pursuant to Wis. Admin. Code NR § 151.08(4), “A livestock operation shall have no direct runoff from a feedlot or stored manure into the waters of the state.”

45. It was confirmed through DNR investigations from May 14th through June 2024 that manure discharged from the Spring Valley animal lot and manure storage facility and flowed into the Unnamed Tributary and then into Moore Creek, on at least May 14, 2024 and May 17, 2024.

46. Spring Valley indicated to DNR that it intentionally used equipment to push the waste into an area that would directly run off into the Unnamed Tributary.

47. Spring Valley and Ferries violated Wis. Admin. Code NR § 151.08(4) on at least May 14, 2024 and May 17, 2024, by allowing manure to runoff the Site to waters of the state.

PENALTIES AUTHORIZED

48. Wisconsin Stat. § 299.95 authorizes the Attorney General to enforce Wis. Stat. ch. 281 and all rules promulgated and permits issued under that chapter by “injunctive and other relief appropriate for enforcement,” subject to exceptions not applicable in this case.

49. Pursuant to Wis. Stat. § 299.95, the circuit court for Dane county or the county where the violation occurred has jurisdiction to enforce Wis. Stat. ch. 281.

50. Wisconsin Stat. § 281.98(1) states that “any person who violates this chapter or any rule promulgated . . . under this chapter shall forfeit not less than \$10 nor more than \$5,000 for each violation. Each day of continued violation is a separate offense.”

51. Wisconsin Stat. § 281.98(2) states that, “In addition to the penalties provided under sub. (1) or s. 281.99(2), the court may award [DOJ] the reasonable and necessary expenses of the investigation and prosecution of a violation of this chapter, including attorney fees.”

52. The court, pursuant to Wis. Stat. §281.98(3) may also “order the defendant to abate any nuisance, restore a natural resource or take, or refrain

from taking, any other action as necessary to eliminate or minimize any environmental damage caused by the defendant.”

53. Wisconsin Stat. § 283.87(1) states that “[i]n an action against any person who violates this chapter or any provision of § 29.601 or chs. 30, 31, 281, 285 or 289 to 299 relating to water quality [DNR] may recover the cost of removing, terminating or remedying the adverse effects upon the water environment resulting from the unlawful discharge or deposit of pollutants into the waters of the state, including the cost of replacing fish or other wildlife destroyed by the discharge or deposit.”

RELIEF REQUESTED

WHEREFORE, the State of Wisconsin asks for judgment as follows:

1. Forfeitures as to each defendant as provided for in Wis. Stat. § 281.98(1);
2. The costs of the investigation and the reasonable and necessary expenses of the prosecution, including attorney fees, as provided for in Wis. Stat. § 281.98(2);
3. The cost of removing, terminating, and remedying the adverse effect of Defendants’ noncompliant discharges upon the water environment of the Unnamed Tributary and Moore Creek, including the costs of replacing fish, as provided for in Wis. Stat. § 283.87(1);

4. The 26 percent penalty surcharge pursuant to Wis. Stat. § 814.75(18); the 20 percent environmental surcharge pursuant to Wis. Stat. § 814.75(12); the \$25.00 court costs pursuant to Wis. Stat. § 814.63(1); the \$13.00 crime laboratory and drug surcharge pursuant to Wis. Stat. § 814.75(3); the \$68.00 court support services surcharge pursuant to Wis. Stat. § 814.75(2); the 1 percent jail assessment surcharge pursuant to Wis. Stat. § 814.75(14); and the \$21.50 justice information system surcharge pursuant to Wis. Stat. § 814.75(15); and

5. Such other relief as the Court may deem appropriate.

Dated this 22nd day of December, 2025.

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by Valerie A. Black

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