



**Josh Kaul**  
**Wisconsin Attorney General**

**P.O. Box 7857**  
**Madison, WI 53707-7857**

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## **NEWS FOR IMMEDIATE RELEASE**

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### **Attorney General Kaul Announces \$250,000 Judgment Against Ellsworth Cooperative Creamery for Alleged Wastewater Discharge Violations**

MADISON, Wis. – Attorney General Josh Kaul announces today that the Wisconsin Department of Justice (DOJ) has obtained a civil judgment against Ellsworth Cooperative Creamery (ECC) requiring it to pay a \$250,000 penalty and install additional pollution control equipment for alleged violations of its wastewater discharge permit at ECC’s Ellsworth, Wisconsin cheesemaking facility.

“To protect both our environment and human health, our water should be free of unlawful wastewater discharges,” said Attorney General Kaul. “Wastewater discharge permit holders must help safeguard clean water by following the terms of their permits.”

According to the Complaint, filed in Pierce County Circuit Court, ECC owns and operates a milk processing facility that processes milk into barrel cheese, cheese curds, and dried milk products. The facility includes a wastewater treatment plant that is operated pursuant to a wastewater discharge permit issued by the Wisconsin Department of Natural Resources (DNR). The State alleges that between October 2017 and August 2022, ECC repeatedly violated its permit by exceeding the permit’s effluent limitations for biological oxygen demand, total suspended solids, ammonia, dissolved oxygen, phosphorus, and temperature.

The Complaint further alleges that the alleged violations negatively impacted the water quality and water environment of the receiving water, Isabelle Creek—a trout stream used by local anglers. Effluent limitation exceedances in August 2022 harmed an approximately 3-mile segment of the stream and caused a fish kill.

In addition to the \$250,000 monetary penalty, ECC must (a) install a wastewater effluent thermal chiller to cool ECC’s wastewater before it is discharged to Isabelle Creek; (b) replace a whey fines saver system in the production area that will minimize process liquid overflow events that are directly discharged to ECC’s wastewater treatment facility; and (c) install a high-strength wastewater diversion

system that will allow for high-strength wastewater to be blended with lower-strength wastewater before it goes through ECC's wastewater treatment facility.

Assistant Attorney General Bradley J. Motl represented the State and worked closely with DNR to obtain this judgment. The Order for Judgment was signed by Pierce County Circuit Court Judge Elizabeth L. Rohl on September 26, 2023.

The Legislature's Joint Committee on Finance approved the proposed resolution on September 13, 2023.