

FILED
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Juneau County
Clerk of Circuit Court
2026CX000001

STATE OF WISCONSIN CIRCUIT COURT JUNEAU COUNTY
BRANCH ____

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

Plaintiff,

V.

Case No. 26-CX-_____

Complex Forfeiture: 30109

CENTRAL SANDS DAIRY, LLC,
N15927 County Road G
Nekoosa, Wisconsin 54457,

Defendant.

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 Kevin L. Grzebielski, brings this action against the above-named Defendant at the request 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 Central Sands Dairy, LLC, is a domestic limited liability company with its principal office located at N15927 County Road G, Nekoosa,

Wisconsin 54457-9468. Its registered agent is Gordon Jones located at the same address.

3. At all times relevant to the allegations in this Complaint, Central Sands Dairy owned and operated a large concentrated animal feeding operation (CAFO) in Juneau County. The CAFO's production area is located at N15927 County Road G, Nekoosa, Wisconsin 54457.

4. Central Sands Dairy land applies manure and process wastewater (collectively referred to as "manure") generated at the CAFO on agricultural fields in Juneau County and Wood County. This Complaint alleges violations of law committed by Central Sands Dairy at the production area and on agricultural fields located in Juneau County.

5. The State of Wisconsin enacted Wis. Stat. ch. 283 to prevent and minimize water pollution in the state.

6. Wisconsin Stat. § 283.31(1) prohibits any person from discharging any pollutant into any waters of the state except in compliance with a permit issued by DNR.

7. Wisconsin Admin. Code ch. NR 243 governs issuance of permits required by Wis. Stat. ch. 283 for animal feeding operations.

8. Wisconsin Admin. Code § NR 243.11(3)(a) requires any person owning or operating a large CAFO to have a Wisconsin Pollutant Discharge Elimination System (WPDES) permit.

9. On January 1, 2012, DNR issued Central Sands Dairy WPDES permit no. WI-0063533-02-0 that authorized Central Sands Dairy to discharge to the Central Wisconsin River Basin in accordance with the terms of the permit. The 2012 WPDES permit was effective on January 1, 2012, and expired on December 31, 2016. The WPDES permit was modified on July 7, 2016.

10. Pursuant to Wis. Stat. §§ 227.51(2) and 283.53(3) and Wis. Admin. Code § NR 200.03, after December 31, 2016, Central Sands Dairy continued to operate under the terms and conditions of the expired 2012 WPDES permit until DNR reissued the WPDES permit.

11. On May 29, 2020, DNR issued Central Sands Dairy WPDES permit no. WI-0063533-03-0 that authorized Central Sands Dairy to discharge to Petenwell Lake within the Castle-Rock watershed and groundwaters of the state in accordance with the terms of the permit. The 2020 WPDES permit was effective on June 1, 2020, and expires on May 30, 2025. The WPDES permit was modified on April 1, 2021.

12. Wisconsin Admin. Code § NR 243.14(1) requires WPDES permittees to submit a nutrient management plan to DNR for approval describing the amount, timing, locations, methods, and other aspects of land application of manure and process wastewater generated by the permittee. In this Complaint, agricultural fields in Juneau County will be referred to by the name that they are given in Central Sands Dairy's nutrient management plan.

**VIOLATION ONE: DISCHARGE TO WATERS OF THE STATE FROM THE
PRODUCTION AREA NOT IN COMPLIANCE WITH GROUNDWATER
QUALITY STANDARDS**

13. Sections 1.1 of the 2012 WPDES permit and 2020 WPDES permit state, “All structures shall be designed and operated in accordance with ss. NR 243.15 and NR 243.17 to control manure and process wastewater for the purpose of complying with . . . groundwater standards.”

14. Wisconsin Admin. Code § NR 243.17 states, “The permittee shall operate all constructed facilities and systems in accordance with applicable requirements of [Wis. Admin. Code § NR 243.13].”

15. Wisconsin Admin. Code § NR 243.13(5) states, “If a discharge of manure or process wastewater pollutants to waters of the state occurs, . . . the discharge shall comply with groundwater and surface water quality standards.”

16. Section 1.1 of the 2020 WPDES permit further provides, “Production area discharges to waters of the state authorized under this permit shall comply with . . . groundwater standards.”

17. Wisconsin Admin. Code ch. NR 140 contains groundwater quality standards. Table 1 in Wis. Admin. Code ch. NR 140 establishes preventive action limits and enforcement standards for substances of public health concern. This includes ammonia. The preventative action limit for ammonia is 0.97 mg/L, and the enforcement standard for ammonia is 9.7 mg/L.

18. Wisconsin Admin. Code § NR 140.22(2) designates the point of standard application for preventative action limits and enforcement standards. A preventative action limit applies at any point where groundwater is monitored. Wis. Admin. Code

§ NR 140.22(2)(a). An enforcement standard applies at any point of present groundwater use; any point beyond the boundary of the property on which the facility, practice or activity is located; and any point within the property boundaries beyond the 3-dimensional design management zone, if one is established by DNR. Wis. Admin. Code § NR 140.22(2)(b). The design management zone is an area extending 100 feet horizontally from the outermost limit that has been approved for storing waste when the activity is regulated by Wis. Stat. ch. 283.

19. Section 4.1.14 of the 2020 WPDES permit states, “The permittee’s facility operation shall not cause the concentration of a substance in groundwater to attain or exceed this permit’s enforcement standard at any point of present groundwater use, at any point beyond the property boundary, or at any point beyond a design management zone established under [Wis. Admin. Code § NR 140.22].”

20. In general, groundwater flows underneath the production area from the northwest to the southeast. Central Sands Dairy has nine groundwater monitoring locations around the production area. Central Sands Dairy has generally tested groundwater at these nine locations on at least a quarterly basis.

21. Manure and process wastewater contain ammonia.

22. Wells CSD-3, CSD-4, and CSD-8 are located on the north side of the production area. Wells CSD-3, CSD-4, and CSD-8 are upgradient of the production area for groundwater flow purposes. Since 2014, groundwater monitoring results have never exceeded the preventative action limit of 0.97 mg/L for ammonia in wells CSD-3, CSD-4, and CSD-8.

23. Well CSD-1D is located east of the production area, near the southeastern corner of the production area. Well CSD-1D is downgradient of the production area for groundwater flow purposes. Well CSD-1D is located at least 150 feet from the bottom of the berm surrounding the manure storage facility. On well CSD-1D's construction form, Central Sands Dairy reported that this well was 420 feet from the waste boundary. Well CSD-1D is also located beyond the boundary of the property on which the production area is located.

24. Well CSD-1D is a point of standards application for the preventative action limit and the enforcement standard for ammonia.

25. Water samples from well CSD-1D had ammonia results above 9.7 mg/L on the following dates:

Date	Concentration of Ammonia Nitrogen (mg/L)
4/17/2017	10.0
5/24/2017	16.0
6/29/2017	17.0
10/17/2017	13.0
1/17/2018	10.0

26. In addition to exceeding the enforcement standard for ammonia on the dates in paragraph 25, the water sample results from well CSD-1D were above the preventative action limit of 0.97 mg/L and below the enforcement standard of 9.7 mg/L on at least 19 days from December 2014 through the date of this Complaint.

27. Well CSD-5 is located south of the production area, near the southeastern corner of the production area. Well CSD-5 is downgradient of the production area for groundwater flow purposes. Well CSD-5 is located over 100 feet

from the manure storage facility and process wastewater storage facility for the feed storage area. Well CSD-5 may be located beyond the boundary of the property on which the production area is located.

28. Well CSD-5 is a point of standards application for the preventative action limit and enforcement standard for ammonia.

29. Water samples from well CSD-5 had ammonia results above 9.7 mg/L on the following dates:

Date	Concentration of Ammonia Nitrogen (mg/L)
1/17/2018	11.0
4/26/2018	11.0
7/15/2018	13.0
10/18/2018	32.0
2/7/2019	56.4
5/6/2019	31.0
7/25/2019	17.7
1/28/2020	12.6
6/3/2020	10.6
7/26/2021	10.7
10/27/2021	12.5
1/17/2022	11.8
4/26/2022	12.4
7/13/2022	11.1
10/19/2022	16.1
1/18/2023	11.0
7/25/2023	11.2

30. In addition to exceeding the enforcement standard for ammonia on the dates in paragraph 29, the water sample results from well CSD-5 were above the preventative action limit of 0.97 mg/L and below the enforcement standard of 9.7 mg/L on at least 15 days from August 2016 through the date of this Complaint.

31. Central Sands Dairy depopulated at the end of 2022 and land applied all manure in the manure storage facility by the evening of July 25, 2023. Since July 25, 2023, ammonia levels in well CSD-5 have steadily declined. On July 25, 2023, ammonia levels in well CSD-5 were 11.2 mg/L, while by July 31, 2024, ammonia levels in well CSD-5 were 1.7 mg/L.

32. Central Sands Dairy violated Wis. Admin. Code § NR 243.13(5), sections 1.1 of the 2012 and 2020 WPDES permits, and section 4.1.14 of the 2020 WPDES permit on at least 22 days by designing or operating the CAFO in a manner that failed to control the manure and process wastewater at the production area to ensure compliance with the groundwater quality standards.

**VIOLATION TWO: FAILURE TO UPGRADE MANURE STORAGE
FACILITY AS REQUIRED BY 2020 WPDES PERMIT**

33. Section 3.9 of the 2020 WPDES permit required Central Sands Dairy to submit plans and specifications to DNR by October 31, 2020, to permanently correct issues with the manure storage facility. Section 3.9 of the 2020 WPDES permit required Central Sands Dairy to complete construction of the upgrades proposed in the DNR-approved plans and specifications by November 30, 2021.

34. The manure storage facility was constructed in 2007 by excavating a pit 15 feet below ground surface and using the excavated material around the perimeter to form a berm that is 15 feet high. The pit was lined with a 5-inch thick, conventionally reinforced, concrete slab. During construction, cracks formed in the concrete, which were sealed with grout.

35. DNR required Central Sands Dairy to complete an evaluation of the manure storage facility in 2014. In August 2014, Central Sands Dairy's consultant, AECOM, drilled four concrete cores in the sidewalls of the facility, and DNR staff observed these during a site visit. Central Sands Dairy and its contractors performed concrete repairs at 45 locations along control joints and sealed 1,295 linear feet of cracks. In the evaluation submitted to DNR in October 2014, AECOM reported that four concrete cores were taken in the sidewalls of the facility, and that none showed evidence of manure leaking out of the facility.

36. During August 2014 and after DNR's site visit, AECOM took a fifth concrete core through the floor of the manure storage facility. This was the only core through the floor of the facility. The sand beneath the fifth core was black, and black groundwater was visible in the hole. AECOM and Central Sands Dairy did not submit the photos and data associated with the fifth core to DNR as part of the evaluation. DNR obtained information about the fifth core sample on December 20, 2019, after DNR realized Central Sands Dairy took a fifth core and specifically requested data on the fifth core from the dairy.

37. In the 2020 WPDES permit, DNR required Central Sands Dairy to complete upgrades of the manure storage facility because DNR was concerned it was leaking to groundwater. DNR's concern was based on the construction method used, cracks in the concrete, data associated with the fifth core sample, the elevation of the groundwater table relative to the floor of the facility, and ammonia observed in groundwater wells downgradient from the production area.

38. On October 31, 2020, Central Sands Dairy's engineering consultant, Outland Design, submitted to DNR plans and specifications to upgrade the manure storage facility.

39. On January 29, 2021, DNR rejected the plans and specifications. DNR determined that the plans and specifications did not include the minimum information required to determine if the proposed upgrades would comply with the standards in Wis. Admin. Code ch. NR 243 and protect groundwater. The rejection included a list of information required to make the plans and specifications complete. This included: an adequate liner to protect groundwater on the side slopes of the proposed facility; more information on the proposed joint between the existing manure storage facility and the proposed facility; an explanation of the groundwater data that the plans were based upon; an explanation of how the farm would still maintain 180 days of manure storage if the plans were completed as proposed; and an explanation of whether a leakage collection or monitoring system or secondary containment system was necessary to protect groundwater.

40. The January 29, 2021 rejection reminded Central Sands Dairy that the 2020 WPDES permit still required completion of construction of upgrades by November 30, 2021, and provided that any change to this deadline would require a permit modification.

41. Since January 29, 2021, Central Sands Dairy has not re-submitted plans and specifications to complete necessary upgrades to the manure storage facility.

42. Central Sands Dairy has not completed construction on upgrades to the manure storage facility.

43. Since December 1, 2021, Central Sands Dairy has continuously violated section 3.9 of the 2020 WPDES permit by failing to complete construction of required upgrades to the manure storage facility.

**VIOLATION THREE: OVERAPPLICATION OF NITROGEN ON FIELDS IN
NUTRIENT MANAGEMENT PLAN**

44. Wisconsin Admin. Code § NR 243.14(2)(a) states, “A permittee’s land application practices for manure and process wastewater shall comply with this section, the terms and conditions of the WPDES permit and the permittee’s approved nutrient management plan.”

45. Wisconsin Admin. Code § NR 243.14(1)(a) states, “[T]he land application practices identified in the nutrient management plan shall, at a minimum, conform with the nutrient budgeting, soil test recommendations, application practices and restrictions contained in [Natural Resource Conservation Service (NRCS)] Standard 590.”

46. Section 1.5 of the 2012 WPDES permit and section 1.5 of the 2020 WPDES permit both state:

The permittee shall land apply manure and process wastewater in compliance with the [DNR] approved nutrient management plan, s. NR 243.14, and the terms of this permit. Land application practices shall not exceed crop nutrient budgets determined in accordance with NRCS Standard 590, this permit and s. NR 243.14 and shall be based on manure and process wastewater analyses, soil tests, as well as other nutrient sources applied to a field.

47. Section IV.A. of NRCS Standard 590 requires the dairy to develop and implement an annual field-specific nutrient application plan. That plan must:

Account for the source, rate, timing, form, and method of application for all major nutrients consistent with this standard and nutrient application guidelines found in University of Wisconsin-Extension (UWEX) Publication (pub.) A2809, “Nutrient application guidelines for field, vegetable and fruit crops in Wisconsin,” (UWEX Pub. A2809) unless use of one of the following options are appropriate:

- For crops not listed in UWEX Pub. A2809, use other appropriate Land Grant University recommendations.
- For nutrient application decisions based on plant tissue analysis, the sampling and testing of plants and the resulting nutrient recommendations shall be done in accordance with University of Wisconsin recommendations. See IV.A.1.o.
- Adaptive Nutrient Management has validated alternative nutrient management strategies that improve nutrient use efficiency. See IV.A.1.i.

48. Section IV.A.1.i. of NRCS Standard 590 states, “Available N [nitrogen] from all sources shall not exceed the annual N requirement of non-legume crops consistent with UWEX Pub. A2809, or the annual N removal by a legume crop or a legume and companion crop.”

49. On January 8, 2018, Central Sands Dairy submitted a 5-year nutrient management plan to DNR for review and approval. In that plan, Central Sands Dairy requested that DNR approve it to land apply nitrogen above the standards in UWEX Publication A2809 based on “adaptive management practices” and “plant tissue testing.”

50. On February 15, 2018, DNR conditionally approved Central Sands Dairy’s nutrient management plan. Condition 25 of DNR’s approval states: “After [DNR] review, the described request for nitrogen fertilizer applications over UW-Recommendations (A2809) by Central Sands Dairy, LLC, is denied. Central Sands

Dairy LLC did not demonstrate in this request that additional nitrogen applications beyond UW-Recommendations (A2809) would not negatively impact or threaten the environmental or public health.”

51. In the cover email transmitting DNR’s conditional approval to Central Sands Dairy, DNR nutrient management plan reviewer Aaron O’Rourke specifically directed Central Sands Dairy to review item 25 in the conditional approval.

52. The standards in UWEX Publication A2809 are incorporated into the nutrient management planning software known as “SnapPlus.” SnapPlus is the generally accepted nutrient management planning software in Wisconsin. At all times relevant to this Complaint, Central Sands Dairy used SnapPlus for nutrient management planning submissions to DNR.

53. Wisconsin Admin. Code § NR 243.14(1)(c) and sections 1.5 of both the 2012 WPDES permit and 2020 WPDES permit require Central Sands Dairy to submit annual updates to DNR on its nutrient management plan. These updates must include nutrient application data for the prior crop year. These updates include several reports that are generated by SnapPlus and state how much nitrogen Central Sands Dairy land applied, including a compliance check report that identifies fields that had nitrogen applications above the amount allowed by UWEX Publication A2809.

54. Despite the fact that DNR specifically denied Central Sands Dairy’s request to land apply nitrogen at levels greater than that allowed by UWEX Publication A2809, Central Sands Dairy did in fact land apply nitrogen at levels far

higher than allowed by UWEX Publication A2809 in crop years 2019, 2020, 2021, 2022, and 2023.

55. On June 20, 2020, Central Sands Dairy submitted its annual update to DNR for nutrients that were land applied during the 2019 crop year. That update showed that Central Sands Dairy land applied nitrogen on at least 53 fields in Juneau County above the maximum level recommended by UWEX Publication A2809. During the 2019 crop year, Central Sands Dairy significantly exceeded the levels of nitrogen allowed by UWEX Publication A2809. For example, of the 53 fields with nitrogen overapplications, 15 fields had at least 100 pounds per acre of excess nitrogen applied to them.

56. On March 31, 2021, Central Sands Dairy submitted its annual update to DNR for nutrients that were land applied during the 2020 crop year. That update showed that Central Sands Dairy land applied nitrogen on at least 61 fields in Juneau County above the maximum level recommended by UWEX Publication A2809. During the 2020 crop year, Central Sands Dairy significantly exceeded the levels of nitrogen allowed by UWEX Publication A2809. For example, of the 61 fields with nitrogen overapplications, 25 fields had at least 100 pounds per acre of excess nitrogen applied to them.

57. On March 31, 2022, Central Sands Dairy submitted its annual update to DNR for nutrients that were land applied during the 2021 crop year. That update showed that Central Sands Dairy land applied nitrogen on at least 43 fields in Juneau County above the maximum level recommended by UWEX Publication A2809. During

the 2021 crop year, Central Sands Dairy significantly exceeded the levels of nitrogen allowed by UWEX Publication A2809. For example, of the 43 fields with nitrogen overapplications, 18 fields had at least 100 pounds per acre of excess nitrogen applied to them.

58. On March 31, 2023, Central Sands Dairy submitted its annual update to DNR for nutrients that were land applied during the 2022 crop year. That update showed that Central Sands Dairy land applied nitrogen on at least 51 fields in Juneau County above the maximum level recommended by UWEX Publication A2809. During the 2022 crop year, Central Sands Dairy significantly exceeded the levels of nitrogen allowed by UWEX Publication A2809. For example, of the 51 fields with nitrogen overapplications, 14 fields had at least 100 pounds per acre of excess nitrogen applied to them.

59. On April 15, 2024, Central Sands Dairy submitted an incomplete annual update to DNR for crop year 2023. Central Sands Dairy did not include the compliance check report generated by SnapPlus listing the fields on which Central Sands Dairy overapplied nitrogen and by how much. However, based on the land application report titled “NM5: Spreading and Nutrient Management Sorted by Crop Report,” Central Sands Dairy land applied nitrogen on at least 28 fields in Juneau County above the maximum level recommended per acre by UWEX Publication A2809.

60. Since the 2019 crop year, Central Sands Dairy has violated Wis. Admin. Code § NR 243.14(1) and sections 1.5 of the 2012 and 2020 WPDES permits at least

236 times by land applying nitrogen on fields in Juneau County at levels above the crop nutrient management budgets in NRCS Standard 590 and UWEX Publication A2809.

VIOLATION FOUR: MANURE APPLICATION ON FIELDS WITH SOIL TEST PHOSPHORUS LEVELS OVER 200 PARTS PER MILLION (PPM)

61. Wisconsin Admin. Code § NR 243.14(5)(b)2. states, “For fields with soil test phosphorus levels of 200 ppm [parts per million] and greater, applications of phosphorus from manure and process wastewater are prohibited unless the permittee receives [DNR] approval.”

62. Section 1.5 of the 2012 WPDES permit and section 1.5 of the 2020 WPDES permit require Central Sands Dairy to land apply manure and process wastewater in a manner that complies with Wis. Admin. Code § NR 243.14.

63. DNR has not approved Central Sands Dairy to land apply manure and process wastewater on fields with soil test phosphorus levels greater than 200 ppm.

64. During the 2021 crop year, according to Central Sands Dairy’s annual nutrient management plan update, Central Sands Dairy land applied manure on fields N17, N33, N43, and RDO 13E in Juneau County. All of these fields had soil test phosphorus levels over 200 ppm.

65. During the 2022 crop year, according to Central Sands Dairy’s annual nutrient management plan update, Central Sands Dairy land applied manure on fields N17, N33, N43, and RDO 13E in Juneau County. All of these fields had soil test phosphorus levels over 200 ppm.

66. During the 2023 crop year, according to Central Sands Dairy's annual nutrient management plan update, Central Sands Dairy land applied manure on fields N17, N43, and RDO 13E in Juneau County. All of these fields had soil test phosphorus levels over 200 ppm.

67. Since 2020, Central Sands Dairy has violated Wis. Admin. Code § NR 243.14(5)(b)2. and sections 1.5 of the 2012 WPDES permit and 2020 WPDES permit at least 11 times by land applying manure on fields located in Juneau County that had soil test phosphorus levels over 200 ppm.

**VIOLATION FIVE: MANURE APPLICATION ON FROZEN OR SNOW-
COVERED GROUND WITHIN SETBACK FOR DIRECT CONDUIT TO
GROUNDWATER**

68. Wisconsin Admin. Code § NR 243.14(6) prohibits surface applying solid manure on a field with frozen or snow-covered ground within 300 feet of a direct conduit to groundwater if the field has a slope of 0 to 6 percent.

69. Wisconsin Admin. Code § NR 243.03(20) defines "[d]irect conduit to groundwater" to include "wells."

70. Section 1.5.6 of the WPDES permit repeats the requirement in Wis. Admin. Code § NR 243.14(6).

71. On January 20, 2022, DNR received a complaint about the land application of manure on field RDO 9.

72. On January 24, 2022, DNR CAFO Compliance Enforcement Coordinator Ben Uvaas and CAFO Regional Specialist Claire O'Connell inspected fields RDO 9 and RDO 22.

73. Field RDO 22 has a center pivot irrigation system, which includes a well near the center of the field.

74. Field RDO 22 has a slope of 0 to 6 percent.

75. Field RDO 22 had frozen or snow-covered ground.

76. Manure had been surface applied on field RDO 22.

77. Manure had been applied within 100 feet of the well at the center of the field.

78. A small berm of mixed manure and snow was present on the field. It appeared to Uvaas and O'Connell that manure and snow that had been land applied near the well had been scraped and pushed outward. Trace manure fiber remained within the area that was scraped.

79. On January 20, 2022, Central Sands Dairy violated Wis. Admin. Code § NR 243.14(6) and section 1.5.6 of the WPDES permit when it surface applied manure on frozen or snow-covered ground within 300 feet of a well on field RDO 22.

VIOLATION SIX: FAILURE TO TIMELY SUBMIT COMPLETE NUTRIENT MANAGEMENT PLAN ANNUAL UPDATE

80. Wisconsin Admin. Code § NR 243.14(1)(c) requires a WPDES permittee to review and amend its nutrient management plan on an annual basis.

81. Section 3.4 of the 2020 WPDES permit requires Central Sands Dairy to submit an annual nutrient management plan update to DNR by March 31, 2024.

82. On April 15, 2024, Central Sands Dairy submitted an incomplete annual update to DNR describing nutrients that were land applied during the 2023 crop year.

The annual update lacked required information, including a compliance check report, soil test report, and restriction maps, among other items.

83. As of the date of this Complaint, Central Sands Dairy has not submitted a complete annual update to DNR.

84. Since April 1, 2024, Central Sands Dairy has continuously violated Wis. Admin. Code § NR 243.14(1)(c) and section 3.4 of the 2020 WPDES permit by failing to submit a complete annual nutrient management plan update to DNR.

RELIEF AUTHORIZED

85. Wisconsin Stat. § 299.95 authorizes the attorney general to enforce Wis. Stat. ch. 283 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.

86. Pursuant to Wis. Stat. §§ 283.89(4) and 299.95, the circuit court for the county where the violation occurred has jurisdiction to enforce Wis. Stat. ch. 283.

87. Wisconsin Stat. § 283.89(1) requires DNR to refer any person who violates Wis. Stat. ch. 283 and rules or permits issued pursuant to Wis. Stat. ch. 283 to the Department of Justice (DOJ) for prosecution.

88. Wisconsin Stat. § 283.91(1) states the Department of Justice may “initiate a civil action for a temporary or permanent injunction” for any violation of Wis. Stat. ch. 283, rules promulgated pursuant to Wis. Stat. ch. 283, or terms and conditions of any permit issued pursuant to Wis. Stat. ch. 283.

89. Wisconsin Stat. § 283.91(2) states:

Any person who violates this chapter, any rule promulgated under this chapter, any term or condition of a permit issued under this chapter . . . shall forfeit not less than \$10 nor more than \$10,000 for each day of violation, except that the minimum forfeiture does not apply if the point source at which the violation occurred is an animal feeding operation.

90. Wisconsin Stat. § 283.91(5) states:

In addition to all other civil . . . penalties prescribed under this chapter, the court may assess as an additional penalty a portion or all of the costs of the investigation, including monitoring, which led to the establishment of the violation. The court may award [DOJ] the reasonable and necessary expenses of the prosecution, including attorney fees.

RELIEF REQUESTED

WHEREFORE, the State of Wisconsin requests judgment as follows:

1. An injunction, pursuant to Wis. Stat. §§ 283.91(1) and 299.95, requiring Central Sands Dairy to bring its CAFO into compliance with Wis. Stat. ch. 283, Wis. Admin. Code ch. NR 243, and the terms of the WPDES permit;
2. Forfeitures as provided for in Wis. Stat. § 283.91(2);
3. The costs of the investigation and the reasonable and necessary expenses of the prosecution, including attorney fees, as provided for in Wis. Stat. § 283.91(5);
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 deems appropriate.

Dated this 30th day of September 2026.

JOSHUA L. KAUL
Wisconsin Attorney General

Electronically signed by Bradley J. Motl

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