

# **Protect Our Water**

# **Wells, Beaches, Creeks, & Lakes**

DNR Public Hearing for Gilbert Farms CAFO

In Person: Wed. Nov. 5<sup>th</sup> 10 am

Door County Gala

1023 Egg Harbor Road, Sturgeon Bay

# Essential Information for Door County

(per Door County Environmental Council)

- Door County has 25 named inland lakes, ponds, and marshes and approximately 8000 private wells.
- Door County also has 38 named rivers, creeks, and streams that drain into Lake Michigan.
- In 2014, a little over 10 years ago, according to the Wisconsin DNR, 4 Door County water bodies were impaired/contaminated/polluted:
  - Mackaysee Lake
  - Ahnapee River
  - Sugar Creek
  - Stony Creek
- Pollutants/impairments at that time included: mercury, PCBs, total phosphorus, and degraded habitat.

Ten years later, in 2024, again according to the Wisconsin DNR, 10 Door County water bodies are now impaired/contaminated/polluted:

- Ahnapee River
- Ephraim Beach
- Fish Creek and Lake Michigan
- Green Bay shoreline
- Heins Creek
- Larson Creek
- Otumba Park Beach
- Stony Creek
- Sugar Creek

Pollutants/impairments include: E. coli pathogens, PCBs, PFOS, total phosphorus, contaminated fish, degraded biological community, and elevated water temperature. In the past 10 years we've seen a 150% increase in the number of impaired/contaminated/polluted water bodies in Door County.

# Door County Beach Advisories and Closures Due to High E. Coli

(8/18 and 8/19)

## Closed

Baileys Harbor Ridges Park Beach (8/18)

Fish Creek Beach (8/19)

Sand Dune Beach (8/19)

## Advisory

Anclam Beach (8/18, 8/19)

Clay Banks Beach (8/18)

Ephraim Beach (8/19)

Murphy Park Beach (8/18)

Otumba Park Beach (8/18)

Sister Bay Beach (8/19)

Bay Boat Launch Beach (8/19)

Whitefish Dunes Beach (8/18)



# Sinkhole on Gilbert Farm Near Production Facilities







# Previous sinkhole accidents illustrate the danger

A spreading accident in 2014 over a sinkhole near Jacksonport sickened at least 16 people and contaminated wells for weeks. A manure storage facility contains millions of gallons of liquid manure and could cause far more significant damage. Bill Schuster recommended building some redundancy protection into the holding facilities that would direct any liquid manure away from the sinkhole and hold it until it could be contained further.

In 2023 Door County had three mechanical failures of manure equipment causing spillage so the possibility of a containment breach is real. Two of the three mechanical failures were storage facility malfunctions.

The monitoring wells recommended by the DNR hydrogeologist are not required until the end of 2029 allowing the farm to operate as a CAFO without the necessary monitoring for the next 4 years.

Gilbert Farms processes and spreads 5.7 million gallons per year of liquid manure and processed wastewater currently.

With expansion, will increase to 21.4 million gallons.

Adding 1000 animal units, approximately doubling their size.

The reason for the large increase is that the farm is currently not in compliance on capturing and treating all of its waste from feed lots, and calf barns. Bringing the entire operation into compliance creates a 4-fold increase in waste with the proposed expansion.



# References

## **2014 Sinkhole Manure Spreading Disaster**

<https://www.greenbaypressgazette.com/story/news/local/door-co/news/2015/01/16/farms-waste-hauler-fined-manure-spills/21893601/>

<https://doorcountypulse.com/panel-hears-from-tainted-well-owners/>

<https://doorcountypulse.com/seven-sickened-by-tainted-wells/>

## **3 Manure Spills/Mechanical Malfunctions Holding Facilities in 2023**

<https://doorcountypulse.com/three-manure-spills-in-door-county-this-season/>

## **Information on Karst Geology**

<https://doorcountypulse.com/door-county-barely-filtered/>

## **Nitrate in Wisconsin Waters**

<https://wisconsinexaminer.com/2025/09/29/report-finds-increased-nitrates-as-fertilizer-application-poses-costs-to-public-health-and-farmers/>

# Additional Potential Negative Impacts of Water Quality Degradation

## Tourism

Door County's Economy is Dependent Upon the Tourism Industry. Tourism contributes at least 7 X more to the GDP of Door County than Agriculture. (Door County Economic Development Data 2024)

(Agriculture, Forestry, Fishing GDP is approx. \$55 million)

(Real Estate, Rental & Leasing \$246 million)

(Accommodations & Food \$200 million)

(Retail Trade \$187 million)

## Property Values

(Construction \$120 million)

## Environmentally Significant Protected Areas at Risk

(both surface and underground seeps as water source within 2-3 miles of farm)

Kellner Fen (Critical habit Hines Emerald Dragonfly)

Crossroads at Big Creek

# FACTORY FARMS & OPERATIONS ORDINANCES

## WHAT IS A FACTORY FARM?

Factory farms house thousands of cows, pigs and turkeys or millions of chickens. Millions of gallons of untreated waste are spread on thousands of acres.

## WHAT IS AN OPERATIONS ORDINANCE?

A local ordinance that requires new or expanding factory farms to develop plans that address community concerns about manure, air pollution, road damage, fire risk, farm gas by-products, carcass disposal, and more. Owners pay for enforcement of their plans, instead of taxpayers, and post a bond to cover clean-up, if they go out of business.

## WHO NEEDS OPERATIONS ORDINANCES?

Towns that want to protect their local community's health and property from the adverse impacts of factory farms, such as the avian flu now infecting dairy herds and millions of poultry nationwide. Operations ordinances are not a ban.

## WHY IS THERE AN EFFORT TO PREEMPT THEM?

Bi-partisan political support of factory farms and farm gas is fueling massive new expansions across Wisconsin. Factory farms benefit from a lack of oversight. In response, communities spanning the political spectrum are resisting expansion and passing ordinances to protect health and property rights.

## DOESN'T THE DNR REGULATE FACTORY FARMS?

Regulations from Wisconsin's Department of Natural Resources (DNR) cover only the impact of livestock waste on water. They do not cover air pollution, biosecurity, carcass disposal, road damage or other issues. The DNR is short-staffed. There are a few handfuls of employees overseeing 342 factory farms across the state. Inspections are done only once every five years, so factory farm owners are expected to self-report manure spills. Sixty factory farms are currently operating on expired permits.

## DOESN'T THE DNR LIMIT THE SIZE OF FACTORY FARMS?

No. In beautiful Door County, for instance, the DNR is allowing a dairy to have 7,000 cows and spread 95 million gallons of liquid waste per year over more than 9,200 acres.

## COULD THE DNR LOSE ALL AUTHORITY OVER FACTORY FARMS?

Yes. Wisconsin Manufacturers and Commerce (WMC) filed a May 2023 lawsuit in Calumet County Circuit Court challenging the DNR's authority. Judge Reed ruled the DNR has authority, but WMC appealed that decision in March 2024. This makes local control more important than ever.



## DO TOWNS HAVE AUTHORITY TO ENACT LOCAL ORDINANCES?

Yes. Operations ordinances draw authority from powers granted under the Wisconsin Constitution and Wisconsin Statutes. At a March 2024 Wisconsin Senate hearing, factory farm lobbyists testified multiple times that operations ordinances are legal and they want a state law that preempts them.

## WHAT ELSE IS BEING DONE TO STOP LOCAL CONTROL OF FACTORY FARMS?

The factory farm industry has one goal – no regulation. In addition to legislative preemption efforts and challenging the DNR's authority, the WMC uses lawsuits to intimidate local officials who pass legal ordinances.

### OPERATIONS ORDINANCE VS WISCONSIN LAWS & REGULATIONS

	Existing Laws & Regulations	Operations Ordinance
<b>Enforcement</b>	Taxpayers pay costs, inspections every 5 years	Permittee pays all costs for regular enforcement
<b>Manure storage plan</b>	Permittee self-reporting	Permittee pays all costs for regular enforcement
<b>Manure spreading plan</b>	Permittee self-reporting	Permittee pays all costs for regular enforcement
<b>Road use plan</b>	Not required	Required
<b>Air pollution plan</b>	Not required	Required
<b>Water use plan</b>	Not required	Required
<b>Infectious disease plan</b>	Not required	Required
<b>Carcass disposal plan</b>	Not required	Required
<b>Biosecurity plan</b>	Not required	Required
<b>Fire response plan</b>	Not required	Required
<b>Financial bond</b>	Not required	Required
<b>Property value analysis</b>	Not required	Required

**CURRENT STATE LAWS** give local communities almost no control over the waste, air pollution and carcasses huge factories produce. Without an operations ordinance, their impact on roads, fire departments, wells, health and local economies are unknown.

## HOW CAN I LEARN MORE?

Get in touch with Sustain Rural Wisconsin Network: [www.sustainruralwisconsin.org](http://www.sustainruralwisconsin.org)



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or <https://tinyurl.com/hr77xhx5>

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