

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 21-CX-_____
Complex Forfeiture: 30109

SOUTHWESTERN WISCONSIN DAIRY
GOAT PRODUCTS COOPERATIVE
A.K.A. MT. STERLING CHEESE

and

PATRICIA LUND,

Defendants.

STIPULATION FOR JUDGMENT

Plaintiff State of Wisconsin brought this civil action against Defendants Southwestern Wisconsin Dairy Goat Products Cooperative a.k.a. Mt. Sterling Cheese (Mt. Sterling) and Patricia Lund (Lund) for alleged violations of the State's laws and regulations governing wastewater discharges at Mt. Sterling's plant, located at 505 Diagonal Street, Mount Sterling, Wisconsin, 54645 (Facility). The State of Wisconsin and Defendants Mt. Sterling and Lund now wish to settle this matter by agreement and avoid further litigation, and therefore, enter into this Stipulation for Judgment (Stipulation).

IT IS STIPULATED AND AGREED by the State of Wisconsin and Defendants Mt. Sterling and Lund that this case shall be settled on the merits, with prejudice, on the following terms and conditions:

1. The parties to this Stipulation are the State of Wisconsin, Mt. Sterling and Lund.

2. The Circuit Court for Crawford County, Wisconsin (Court) has jurisdiction over the parties and the subject matter of this action.

3. This Stipulation and the Order for Judgment as approved by the Court shall apply to and be binding on the parties and on the successors and assignees of the parties. No change in ownership or corporate or partnership status shall in any way alter the responsibilities of Mt. Sterling under this Stipulation.

4. Judgment shall be entered in favor of the State of Wisconsin and against Mt. Sterling and Lund in the total amount of \$50,000.00. This sum is comprised of forfeitures, surcharges, costs, and attorney fees as follows: forfeitures of \$30,525.51 pursuant to Wis. Stat. § 283.91(2), a 26 percent penalty surcharge of \$7,936.63 pursuant to Wis. Stat. § 814.75(18), a 20 percent environmental surcharge of \$6,105.10 pursuant to Wis. Stat. § 814.75(12), \$25.00 in court costs pursuant to Wis. Stat. § 814.63(1), a \$13.00 crime laboratories and drug law enforcement surcharge pursuant to Wis. Stat. § 814.75(3), a \$68.00 court support services surcharge pursuant to Wis. Stat. § 814.75(2), a 1 percent jail surcharge of \$305.26 pursuant to Wis. Stat. § 814.75(14), a \$21.50 justice information system surcharge

pursuant to Wis. Stat. § 814.75(15), and attorney fees of \$5,000.00 under Wis. Stat. § 283.91(5).

5. Mt. Sterling and Lund will pay \$45,000.00 by checks payable to the Crawford County Circuit Court and delivered to the Crawford County Clerk of Court, 220 North Beaumont Road, Prairie du Chien, Wisconsin, 53821, along with cover letters identifying the case by name and number. A copy of the cover letters shall be simultaneously mailed as proof of payment to Assistant Attorney General Tressie K. Kamp at the Wisconsin Department of Justice, Post Office Box 7857, Madison, Wisconsin 53707-7857. Payment shall be made in accordance with the following schedule:

a. \$10,000.00 within six (6) months after the Order for Judgment is signed by the Court;

b. \$15,000.00 within 12 months after the Order for Judgment is signed by the Court;

c. \$15,000.00 within 18 months after the Order for Judgment is signed by the Court; and

d. \$5,000.00 within two (2) years after the Order for Judgment is signed by the Court.

6. Mt. Sterling and Lund will pay \$5,000.00 in attorney fees by check payable to the Wisconsin Department of Justice and delivered to Assistant Attorney General Tressie K. Kamp, at the address provided in paragraph 5 of this Stipulation. Payment shall be made within 30 days after the Court signs the Order for Judgment.

7. Within 90 days after the Court signs the Order for Judgment, Mt. Sterling and Lund shall hire a third-party environmental consultant (Consultant) to evaluate the Facility's current wastewater generation and management. The consultant shall make recommendations to address, at minimum, the following: how to monitor the volume of wastewater generated at the Facility; adequacy of storage and disposal options available at the Facility; and emergency backup measures to ensure that any overflow from product-containing or waste storage tanks at the Facility is not discharged from the manhole on the south side of the Facility to the Aspenson pond.

8. Within six (6) months after the Court signs the Order for Judgment, Mt. Sterling and Lund shall:

a. Install a system, designed by the Consultant and approved by DNR, at the Facility to accurately determine water use and whey and wastewater generation on a daily basis in compliance with Wis. Admin. Code § NR 214.17(5)(a); and

b. Install necessary controls, designed by the Consultant and approved by DNR, to ensure that any overflow from product-containing or waste storage tanks at the Facility is not discharged from the manhole on the south side of the Facility to the Aspenson pond.

9. Mt. Sterling and Lund shall be jointly and severally liable for payment of the judgment described in paragraphs 5 and 6 of this Stipulation and completion of the injunctive relief described in paragraphs 7 and 8 of this Stipulation.

10. Mt. Sterling and Lund waive the requirement for formal service of an authenticated Summons and Complaint.

11. The parties acknowledge that this Stipulation and the Order for Judgment set forth the entire understanding of the parties with respect to resolution of the violations alleged in the Complaint.

12. The Order for Judgment will be a final and appealable Order. However, the parties hereby waive their right to appeal the Order.

13. The Order for Judgment and Judgment may be entered incorporating the terms of this Stipulation without further notice, and the Judgment may be docketed, pursuant to Wis. Stat. § 806.10(1).

Dated this 12th day of February, 2021.

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by Tressie K. Kamp

TRESSIE K. KAMP
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Dated this 11th day of February, 2021.

KREKELER STROTHER, S.C.



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