

FILED
01-29-2021
Clerk of Circuit Court
Kewaunee County, WI
2021CX000002

STATE OF WISCONSIN CIRCUIT COURT KEWAUNEE COUNTY
BRANCH _____

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 21-CX-_____

Complex Forfeiture: 30109

ROLLING HILLS DAIRY
FARM, LLC,

Defendant.

STIPULATION FOR JUDGMENT

Plaintiff State of Wisconsin brought this civil action against Defendant Rolling Hills Dairy Farm, LLC (Rolling Hills Dairy) for alleged violations of the State's wastewater discharge laws. The State of Wisconsin and Rolling Hills Dairy wish to settle this matter by agreement and avoid further litigation, and therefore, enter into this Stipulation for Judgment.

IT IS STIPULATED AND AGREED by the State of Wisconsin and Rolling Hills Dairy 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 and Rolling Hills Dairy.
2. The Circuit Court of Kewaunee 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 Rolling Hills Dairy under this Stipulation.

4. Judgment shall be entered in favor of the State of Wisconsin and against Rolling Hills Dairy in the total amount of \$144,000.00. This sum is comprised of forfeitures, surcharges, costs, and attorney fees as follows: forfeitures of \$95,151.37 pursuant to Wis. Stat. §§ 281.98(1) and 283.91(2), a 26 percent penalty surcharge of \$24,739.35 pursuant to Wis. Stat. § 814.75(18), a 20 percent environmental surcharge of \$19,030.27 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 \$951.51 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 \$4,000.00 pursuant to Wis. Stat. §§ 281.98(2) and 283.91(5).

5. Rolling Hills Dairy will pay \$140,000.00 by checks payable to the Kewaunee County Circuit Court and delivered to the Kewaunee County Clerk of Court, Kewaunee County Courthouse, 613 Dodge Street, Kewaunee, Wisconsin 54216, along with cover letters identifying this case by name and number. A copy of the cover letters shall be simultaneously mailed as proof of payment to Assistant Attorney General Emily M. Ertel 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. \$44,000.00 due by three (3) months from the date judgment is entered in this case;
- b. \$48,000.00 due by fifteen (15) months from the date judgment is entered in this case; and
- c. \$48,000.00 due by twenty-seven (27) months from the date judgment is entered in this case.

6. Rolling Hills Dairy will pay \$4,000.00 in attorney fees by check payable to the Wisconsin Department of Justice. The check shall be delivered to Assistant Attorney General Emily M. Ertel, at the address in paragraph 5 of this Stipulation, by three (3) months from the date judgment is entered in this case.

7. Rolling Hills Dairy operates a large concentrated animal feeding operation with facilities at two locations relevant to this Stipulation: (1) the main dairy located at N3265 County Road AB, Luxemburg, Wisconsin, and (2) the Christoff farm located at N1974 County Road AB, Denmark, Wisconsin.

8. Rolling Hills Dairy will construct permanent runoff controls for the feed storage area at the main dairy that comply with Wis. Admin. Code ch. NR 243.

- a. Specifically, Rolling Hills Dairy will:
 - i. Submit plans and specifications to DNR for permanent runoff controls for the feed storage area in compliance with the standards in Wis. Admin. Code ch. NR 243 by June 30, 2020;

- ii. Obtain DNR's approval of the plans and specifications prior to beginning construction on the permanent runoff controls for the feed storage area;
 - iii. Construct the permanent runoff controls for the feed storage area pursuant to the DNR-approved plans and specifications by August 30, 2021; and
 - iv. Submit post-construction documentation to DNR for the construction of the permanent runoff controls as required by Wis. Admin. Code § NR 243.15(10).
- b. The parties agree that Rolling Hills Dairy has complied with the requirements in paragraphs 8.a.i. and 8.a.ii. of this Stipulation.
9. Rolling Hills Dairy will construct modifications to the feed storage area at the Christoff farm that bring it into compliance with Wis. Admin. Code ch. NR 243.
- a. Specifically, Rolling Hills Dairy will:
 - i. Submit plans and specifications to DNR for modifications to the feed storage area at the Christoff farm in compliance with the standards in Wis. Admin. Code ch. NR 243 by March 31, 2020;
 - ii. Obtain DNR's approval of the plans and specifications prior to beginning construction on the modifications to the feed storage area at the Christoff farm;

- iii. Construct the modifications to the feed storage area at the Christoff farm pursuant to the DNR-approved plans and specifications by October 31, 2020; and
- iv. Submit post-construction documentation to DNR for the construction of the modifications to the feed storage area at the Christoff farm as required by Wis. Admin. Code § NR 243.15(10).

- b. The parties agree that Rolling Hills Dairy has complied with the requirements in paragraphs 9.a.i. and 9.a.ii. of this Stipulation.

10. Rolling Hills Dairy waives 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. Compliance by Rolling Hills Dairy with its obligations under this Stipulation and the Order for Judgment shall constitute full release of its civil liability for the violations alleged in the Complaint.

13. Nothing contained in this Stipulation shall be construed as an admission of liability by Rolling Hills Dairy, or as a concession by the State regarding the veracity of the State's allegations.

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

15. 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 16th day of December, 2020.

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by Emily M. Ertel

EMILY M. ERTEL
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Dated this 16th day of December, 2020.

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Electronically signed by Cameron F. Field

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