

DUESCHER LEGENDAIRY FARMS



Duescher Legendairy Farms
N6388 Longfellow Road
Algoma, Wisconsin 54201

Owner(s) / Operator(s): Formerly Keith A. Duescher; Court-ordered receivership in April 2012; Currently owned and operated by Randall L. Ebert (dba Ebert Dairy Enterprises LLC)

Federal USDA Subsidies 1996-2006: Keith A. Duescher - \$ 525,662

Facility Description: Industrial dairy complex previously permitted to confine approximately 2,500 animals under Wisconsin Permit WI-0059005 (revoked). Liquefied manure and dairy wastewater were stored in two earthen waste pits containing approximately 12.5 million gallons.

Sources: Compliance data is compiled from file excerpts of the Wisconsin Department of Natural Resources (WDNR) and the Wisconsin Department of Justice (WDOJ). Federal subsidy data is from USDA records assembled by the Environmental Working Group. Aerial image is from Google Earth ©.

On or About	Description Duescher Legendairy Farms
09.12.13	State of Wisconsin v. Keith A. Duescher, Judgment: "...judgment is hereby granted in favor of the plaintiff State of Wisconsin, and against the defendant, Keith A. Duescher, in the amount of \$100,000."
08.14.13	State of Wisconsin v. Keith A. Duescher, Complaint: "At various times since 2005, defendant placed an inlet in a navigable water without a permit, discharged fill material into wetlands without a permit, burned plastic and a barn outdoors, stored and disposed of solid waste without a license, failed to inspect for asbestos prior to demolishing and to provide written notice of intent to demolish a barn, discharged pollutants directly from a feed storage area and outdoor feedlots and a temporary outdoor manure storage area to a tributary to Lake Michigan, failed to complete the evaluation for and construction of a runoff control system for the outdoor animal feed lots and feed storage area so as to prevent discharges to the tributary [sic], constructed a new 7-8 million gallon manure storage facility without submitting plans for approval, constructed a new permanent irrigation system for manure spreading without approval, and failed to comply with monitoring and reporting and landspreading requirements in Duescher's Legendairy Farms' wastewater discharge permit, all in violation of Wis. Stat. chs. 30, 281, 283, 285 and 289."
03.20.13	Correspondence from WDOJ Assistant Attorney General Cynthia Hirsch to attorney David Crass representing Duescher: "At your request we are submitting a proposal to settle this matter... I've reviewed the previous correspondence in this case and discussed this matter with WDNR staff. I further understand that the receiver has worked with WDNR to insure the required remediation at the site is accomplished and that the only remaining issue is a judgment against Keith Duescher requiring him to pay forfeitures and penalties for the violations stated in the complaint. I suggest we resolve this matter with a stipulation that the defendants pay \$150,000."
07.31.13	Correspondence from WDOJ Assistant Attorney General Jo Anne Kloppenburg to attorney David Crass representing Duescher: "We offered to settle all claims for \$300,000 and you have counter-offered to settle for \$44,870. We agree that certain points you make warrant lowering the settlement amount, and based on a fair reading of all the information before us we believe that \$210,858.50 is a reasonable reflection of the settlement value of this case at this pre-filing stage."
07.21.09	Email from WDNR Conservation Warden David Allen to WDNR Agricultural Runoff Management Specialist Amy Callis: "Keith [Duescher] had Andy (foreman I guess) come over and pick up the solid manure clumps out of the ladies [sic] yard and wash off the manure from the side of her house. The complainant stated she had a well casing under a little lighthouse (decorative) in her front yard that was well within the 100 ft. of where they were spreading manure. The complainant also stated Duescher's [sic] spread right on top of the waterway, running east of the barns, that leads directly into Lake Michigan and that when it rains it goes into the lake... I also asked Andy about the 'horse farm' complaint and he stated they 'usually don't spread there!' I advised Andy that it was not approved for them to be spreading there and that they shouldn't spread there anymore. He stated 'OK.'"

On or About	<h2 style="text-align: center;">Description</h2> <p style="text-align: center;">Duescher Legendairy Farms</p>
08.11.98	<p>File Summary, Duescher Manure Spill 8/11/98: “The Manure [sic] spill that occurred on the Duescher farm resulted from an excessive application of manure to hay fields... Mr. Duescher indicated that he had told the applicator L & M Industries Inc to put on as much as they could, and they agreed to approximately 30,000 gallons per acre... As a result of the application extensive runoff to Lake Michigan Occurred [sic]. Mr. Duescher denied responsibility for the incident... When shown the blackstreams [sic] and plume of contaminated water flowing several hundred yards into Lake Michigan he denied there was a problem... Several home owners along the shore witnessed the entire episode and expressed a willingness to testify in court if necessary.”</p> <p><i>SRAP comment: Duescher was found guilty and a forfeiture of \$332 was paid on March 3, 1999.</i></p>
07.22.98	<p>Complaint Form: “She has a complaint that every time they have a west wind the smell of manure is so bad. The smell comes from a farm a mile away from her home. She has lived their [sic] 20 yrs and it has never been this bad. They can’t even open their windows. The name of the farmer is Keith Duescher.”</p>
05.23.96	<p>State of Wisconsin Substance Release Report: “South birm [sic] of [manure] holding pond breached allowing liquid manure to run into ditch then about 1 mile into Lake [Michigan]. Upon arrival [WDNR Conservation Warden] Bartz found pit still being pumped and over flowing [sic] into ditch.”</p> <p><i>WDNR comment: Spill estimated at 20 thousand gallons.</i></p> <p><i>SRAP comment: Duescher was found guilty and a forfeiture of \$396.80 was paid on Sept. 9, 1996.</i></p>
04.16.96	<p>Complaint or Information Record: “Complainant states creek by his house is polluted w/something...it looks like liquid manure... [Investigative Remarks] He [Duescher] stated that in mid march [sic] he spread 200 loads of liquid manure on his fields and each load would have been between 3,000 & 3,200 gallons. On 4/15/96 we had several inches of snow and when it melted on 4/16/96 most of the manure went into creek and them [sic] into lake [sic] Michigan... Keith stated – I’ll be the first one to admit where most of the manure ended up. The creek looked brown and smelled like manure...”</p> <p><i>SRAP comment: There were no other file records found regarding the complaint indicating follow-up enforcement or the imposition of forfeitures or penalties.</i></p>



Manure runoff from a CAFO production site traveled through a road culvert.

Photo Credit: Kewaunee CARES