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For Immediate Release

**Wisconsin Ethanol Plants Continue to Violate State and Federal Water Laws;
Local Citizens File Federal Lawsuits**

Contact: Betsy Lawton, Midwest Environmental Advocates, (608) 251-5047 ext. 2
James Saul, Midwest Environmental Advocates, (608) 251-5047 ext.1

MADISON, WI – Today, Midwest Environmental Advocates filed two lawsuits in federal court to abate ongoing water pollution from two of Wisconsin’s ethanol plants. One suit was filed on behalf of the Clean Water Action Council of Northeastern Wisconsin against Utica Energy, LLC of Oshkosh; the other was filed on behalf of private citizens against Didion Ethanol of Cambria. The complaints allege that the plants have violated the Clean Water Act by discharging pollutants such as chlorine, zinc and phosphorus beyond permitted levels. Citizens who live, work and recreate along the waters that these facilities pollute are taking action against these companies under the Clean Water Act’s “citizen suit” provision, and will seek a court order requiring the facilities to clean up their pollution and pay civil penalties.

The Wisconsin Department of Natural Resources has issued notices to both Utica Energy and Didion Ethanol for past environmental transgressions, yet both facilities continue to dump pollution into streams in amounts that exceed the limits required by law. “Utica Energy has racked up an alarming number of violations and has dumped hundreds of pounds of illegal pollution into Sawyer Creek and the Lake Winnebago watershed,” said Rebecca Katers, Executive Director for the Clean Water Action Council. “Like several other ethanol plants around the state, Utica Energy has failed to take environmental protection seriously and has scoffed at the need to protect Wisconsin’s valued water resources.”

As required by law, each plant was given 60 days’ advance notice of the plaintiffs’ intent to file today’s lawsuits, and the plaintiffs invited the companies to discuss the violations so that the disputes could be resolved without litigation. Neither Didion Ethanol nor Utica Energy responded to the notices, and both continue to violate the Clean Water Act with unauthorized discharges of pollutants.

“We are disappointed that we must now resort to litigation,” said Karen Schapiro, Executive Director for Midwest Environmental Advocates. “Our goal is to bring Utica Energy and Didion Ethanol into compliance with the Clean Water Act and give Wisconsin’s waters the protection they deserve. Polluters must understand that they cannot violate the law, gaining an unfair competitive advantage over the state’s responsible businesses, while those who rely on clean water suffer the consequences.”

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Fast Facts

- The Clean Water Act prohibits the discharge of pollutants to waters of the United States except in accordance with a permit issued by the U.S. Environmental Protection Agency or a state that operates an EPA-approved permit program, such as Wisconsin's Pollution Elimination Discharge System (WPDES) program, operated by the Wisconsin Department of Natural Resources. Recognizing that state and federal environmental agencies would often be strapped for resources or constrained by a lack of political will, Congress included in the Clean Water Act a "citizen suit" provision that authorizes citizens to bring enforcement actions directly against polluters in Federal court. Citizen suit plaintiffs are authorized to seek a court order requiring the polluter to come into compliance with its permit and pay civil penalties to the U.S. Treasury of up to \$37,500 per violation per day.
- Utica Energy in Oshkosh, Winnebago County, Wisconsin, was constructed in 2002, and discharges wastewater consisting primarily of noncontact cooling water, boiler blowdown, and potable water treatment waste through a single outfall to a tributary of Sawyer Creek, a tributary of the Fox River, in the Lake Butte des Morts Watershed in the Upper Fox River Basin. The lawsuit filed against Utica Energy will proceed in the U.S. District Court for the Eastern District of Wisconsin, Green Bay Division.
- Didion Ethanol in Cambria, Columbia County, Wisconsin, was constructed in 2008, and discharges wastewater consisting of cooling tower blowdown, reverse osmosis reject water, and filter backwash from a process used to polish the groundwater intake to the ethanol production process through a single outfall to an unnamed tributary of the North Branch of Duck Creek. The lawsuit filed against Didion Ethanol will proceed in the U.S. District Court for the Western District of Wisconsin.
- The Clean Water Action Council of Northeastern Wisconsin, Inc. (CWAC) is a non-profit citizen organization, founded in 1985, working to protect public health and the environment in Northeastern Wisconsin. CWAC works to increase public awareness of the many threats to water quality, and to build support for improved management. CWAC may be reached through Rebecca Katers, Executive Director, at (920) 468-4243 or rkat@new.rr.com.
- Midwest Environmental Advocates is the first and only non-profit environmental law center in Wisconsin. MEA provides legal and technical support to grassroots groups that are working for environmental justice in the Western Great Lakes region. MEA can be reached through its website, www.midwestadvocates.org.