

# ECCSCM

## Environmentally Concerned Citizens of South Central Michigan

SUMMER 2003

### **MOST RECENT DISCHARGE -- #30**

## **JELSMA/MERICAM POLLUTES DRAIN TO LIME CREEK – LIQUID MANURE SPRAYED ON CRP GROUND**

DEQ cited **Jelsma/Mericam** for an illegal discharge June 9 to Timma Drain in Wright Township. Mericam applied liquid manure on Conservation Reserve Program ground, which is not a permitted practice under CRP contracts. The manure entered sub-surface tiles and discharged to Timma Drain at Seely Rd, where DEQ reported a Dissolved Oxygen level of 0.9 mg/L – well below fish-kill level.

Two weeks later, neighbors called ECCSCM to report Mericam was spraying again, on the same CRP field. ECCSCM water sampling on June 26 found DO levels at 1.9 mg/L – still terrible – a day after the second manure application.

This discharge is the 30<sup>th</sup> confirmed by DEQ.

More CAFO Enforcement action: **New Flevo** cited for discharge in March; **Vanderhoff Haley** sent to DEQ Enforcement Unit; **Vreba-Hoff** fined again (see details next page).

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## **PROPERTY VALUES DROP NEXT TO POLLUTING CAFOs**

In May, the Michigan Tax Tribunal awarded a **50% reduction** in property taxes for the neighbor of a dairy CAFO with 2,400 cows. Jeff Van Nortwick of Johnstown Township, Barry County, argued that his property had been contaminated by a CAFO whose runoff was flowing into his wetlands. He cited “adverse agricultural conditions” which were detrimental to his property.

In addition to an assessment reduction, the Tax Tribunal ordered the refund of 50% of Mr. Nortwick’s tax payments for the last two years, plus a prescribed interest for those years.

In a note to supporters, Mr. Nortwick said that “this decision will echo thru this area as others seek the same treatment.”

### **Only landfills worse**

A recent study by Penn State University Department of Agricultural Economics and Rural Sociology also found that CAFOs lower property values more than any other land use except for landfills.

For details of the Penn State study, go to:  
<http://www.landuse.aers.psu.edu/>

**Michigan Farmer’s Union Supports ECCSCM**  
**Thank you!**

## Vreba-Hoff 2 fined again; New Flevo discharges manure; Vanderhoff Haley sent to DEQ Enforcement Unit after multiple violations

Within days of the DEQ Consent Judgment with fines of more than \$15,000, **Vreba-Hoff 2** again discharged manure into a drain along US-127, leading to Fisher Lake. The discharge occurred in February. ECCSCM filed a Freedom of Information request, and documents indicated DEQ fined the facility \$3,100.

In March, **New Flevo** discharged manure through tiles to Hazen Creek, after land application.

After multiple violations, including a discharge into Rice Lake Drain this spring, **Vanderhoff Haley Dairy** case was sent to DEQ Enforcement Unit.

**If you see polluted water or smell manure in water, call immediately:**

**Scott Miller, DEQ: 517-780-7003**

**or PEAS Hotline (24 hrs.): 1-800-292-4706**

## ECCSCM Water Monitoring Project participates in 2-month study of Dissolved Oxygen in streams near CAFOs

In May and June, the ECCSCM Water Monitoring Project worked with an Eastern Michigan University grad student on a special Dissolved Oxygen study, looking at DO levels both in pre-dawn darkness and in daylight. **Janet Kauffman**, ECCSCM, and **Jill Pernicano**, EMU grad student, tested the DO pre-dawn (between 4-6 a.m!), then again at mid-day.

DO levels that spike high in daylight and then plummet at night indicate a stream where nutrients (manure or fertilizer) contribute to excess algae. In sunlight, algae photosynthesize, producing oxygen and spiking the DO. At night, when there is no photosynthesis, the DO plummets. Fish and other aquatic life can be stressed, or killed, by continuous low DO or by these sudden spikes and drops in Dissolved Oxygen levels.

Good quality streams have fairly constant DO levels, day and night.

Several sites near CAFOs showed either low DO all the time, such as **Durfee Creek Extension, Dillon Hwy** (DO 6/26/03 pre-dawn, 0.9; mid-day, 1.5) or the spike & drop pattern, as in **Rice Lake Drain, Haley Rd** – DO 6/26/03 pre-dawn, 1.9; mid-day, 8.5). DO should be 5 mg/L or higher. So while 8.5 looks (falsely) good, the drop at night to 1.9 shows pollution.

### Bacteria results

*E. coli* bacteria numbers were very high after moderate rainfall on 6/26/03. *E. coli* counts should be 1,000 or less. One of the worst sites for continuous *E. coli* contamination has been a tributary of Bean Creek, at the culvert ¼ mi. west of US-127 on Squawfield Rd, just north of Vreba-Hoff 2 (*E. coli* 5/14/03—1,980; 5/29/03—10,890; 6/12/03—14,850; 6/26/03—25,740). For total sampling data, see: <http://www.nocafos.org/sampling.htm>



*Jill Pernicano, EMU grad student, sampling Lime Lake Inlet at Tamarack Rd*

# ACLU offers support for Gerald Henning and free speech; Tri-State Clean Air and Water condemns MDA, asks for tapes

In a case that's drawn wide media attention, **Gerald Henning**, ECCSCM member, 82-yr old farmer in Hudson Twp, was charged recently with "obscene communication" in calls to the Michigan Dept. of Agriculture about manure stench from Hartland Farms CAFO, whose fields surround his residence. The American Civil Liberties Union filed an amicus brief in support of Henning, arguing that citizens have a right to complain, even to be rude, that state agencies must expect that. The ACLU filed a motion to dismiss the case. The motion was not granted. Henning subsequently agreed to a plea agreement on a lesser charge of disorderly conduct.

Henning admits he left numerous outraged messages on the MDA Hotline about stench and over-application of liquid manure around his property. He admits he called MDA "a bunch of Farm Bureau suckasses," and "sons of bitches."

(Well, talk to anybody stuck with the stench of CAFOs and you'll hear MDA called a lot worse than that!

It's certainly the truth – MDA connections to Farm Bureau are very close!)

Tri-State Clean Air and Water, a coalition of environmental groups from Ohio, Indiana, and Michigan, wrote a letter July 1, 2003, to the MDA Commissioners, condemning MDA for its "unprecedented action" against an honorable man who has suffered for 3 years from over-application of manure around his residence. The group said they "deplored" MDA's action, and requested copies of MDA's Hotline tapes.

Local TV stations, including Fox 47 from Lansing, and Channel 13 Toledo, covered the story.

### National News on Robert Thornell

Other Midwest CAFO stories are reaching a national audience. The New York Times recently (May 11, 2003) ran a full-page story on **Robert Thornell**, Paulding, Ohio, who's suffering from hydrogen sulfide poisoning as a consequence of air pollution from a hog CAFO. Thornell has attended several ECCSCM meetings.

## DEQ conducts bio-assessment of streams near CAFOs in Hillsdale/Lenawee Co.

In June, a Surface Water Quality Assessment team from DEQ conducted a Rapid Bio-Survey in streams near CAFOs to determine the impact on aquatic life. Aquatic biologists identified and counted fish and aquatic insects in Medina Drain, Bean Creek, Durfee Creek, and others. More information, and data from the various sites, will be available later in the summer.

**ECCSCM IN ACTION:** July 2, **Lynn Henning** drove Ohio CAFO-busters around 4 facilities in Putnam, Paulding, and Wood Counties, showing them how to find tiles and catch-basins (drop-boxes in Ohio) for monitoring; July 7, **Lynn, Janet Kauffman, Kathy Melmoth** spoke at the Michigan Land Use Leadership Council hearing in Lansing, asking that CAFOs be denied the privileges of farmland preservation and Agriculture Security Zones because of their pollution violations and destruction of natural resources.

For news, discharge details, odor alerts, go to:

[www.nocafos.org](http://www.nocafos.org)

We say, about CAFOs:

**"Never has failure been so ardently defended as though it were success."**

-- John Ralston Saul

ECCSCM Officers: John Klein, President; Lynn Henning, V-P; Richard Chudey, Sec-Treas  
P.O. Box 254, Hudson, MI 49247  
[www.eccscm.org](http://www.eccscm.org)

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THANK YOU!

### We Support Responsible Agriculture –

that preserves & protects water quality in streams and lakes

that raises animals in a healthy, natural environment, grazing, absorbing sunshine

that avoids the steady diet of hormones and antibiotics given animals in the crowded, confined conditions of industrial facilities

that values and protects farmland, the environment,  
and the rural communit