

\$55 million owed to Rabo Agrifinance

Foreclosure action against Vreba-Hoff

HUDSON – After a decade of violations, of trial and error and mismanagement of waste, of manure discharges and impaired streams, it's possible that Vreba-Hoff dairy CAFOs will be shutting down soon.

The mortgage company Rabo Agrifinance has filed two lawsuits simultaneously to recover a \$55 million debt and to foreclose on real estate mortgages and personal property. Rabo took action after the state of Michigan put a \$580,000 lien on Vreba-Hoff properties in Lenawee and Hillsdale Counties.

Rabo's first suit lists a \$14.4 million loan against Waldron Dairy, Vreba-Hoff 1, Vreba-Hoff 2, and in Ohio, Blue Stream, Wild Cat and Williams Dairy Farm, as well as another \$2 million loan against Waldron, Blue Stream, Wild Cat and Williams Dairies. More loans cover farmland, cattle and other personal property, including equipment.

A hearing on the foreclosures was scheduled for Oct 19 in federal district court, Grand Rapids, but has been temporarily postponed.

State of Michigan lawsuit – injunction in place

In the ongoing Michigan Department of Natural Resources and Environment (DNRE) lawsuit against Vreba-Hoff, the 30th Circuit Court on Oct 18 issued **an injunction ordering Vreba-Hoff to "immediately cease irrigating effluent in violation of treatment standards."** Vreba-Hoff was also ordered to keep manure pits at proper levels. Since Vreba-Hoff has violated its own treatment standards for years, the facilities may well have to reduce cow numbers to control manure levels in lagoons.

Early in October, the court filed a \$580,000 lien against Vreba-Hoff's two CAFOs in Lenawee and Hillsdale counties after the court found that Vreba-Hoff failed to pay back fines and violated the manure treatment standards.



Years and years of violations: Vreba-Hoff 1 manure pits under construction in 2007 for the Earth-Mentor "treatment" system that has never met treatment standards. DNRE cited Vreba-Hoff for more than 700 violations over many days in 2008 - 2009, for irrigating polluted wastewater.

Groundwater Concerns

In court, groundwater concerns were also addressed. Vreba-Hoff's recent hydro-geologic study to determine if groundwater contamination was present was characterized as "inadequate" by the state of Michigan's lawyer. The state is concerned that with all their financial problems Vreba-Hoff will not re-do the study and will not install the groundwater monitoring wells that were required.

Questions to be answered: Who is responsible for clean up if facilities are abandoned? Will a new owner be held to court-ordered standards and clean up? Will Michigan legislators finally look at CAFO policy?

A glimpse at Vreba-Hoff bankruptcies, forfeitures, foreclosures, violations

Since early 2009, Vreba-Hoff enterprises have been crumbling, succumbing to bankruptcy, foreclosures, and lawsuits concerning fraud, breach of contract, and personal injury in 3 states – Michigan, Ohio, Indiana.

The state of Michigan has filed 4 lawsuits in 7 years against Vreba-Hoff for failure to manage the waste produced by their CAFOs. The Michigan Department of Natural Resources and Environment has cited Vreba-Hoff for more than 800 violations over the last decade.

Vreba-Hoff never met the water standards for effluent it agreed to in court. Vreba-Hoff built an off-site "satellite" lagoon illegally and failed to close it as ordered. Vreba-Hoff failed to employ a certified operator for its waste treatment system.

Two streams originating on Vreba-Hoff property were declared "impaired" after manure discharges from the CAFO. The list of offenses goes on...

Court records show Vreba-Hoff Dairy Development LLC included in lawsuits totalling more than **\$108 million**.

As of October 2010, at least 24 CAFOs owned by Vreba-Hoff or with a Vreba-Hoff financial interest have filed bankruptcy or been foreclosed*:

In Michigan:

Bustorf
Waldron Dairy
Vreba-Hoff 1
Vreba-Hoff 2

In Ohio:

Arts Dairy
Blue Stream Dairy
Chesterfield Dairy
Hopewell Dairy
Maple Grove Dairy
New Ijsselstein Dairy
Oolman Dairy
Orleton Farms
Springfield Dairy
Van Ham Dairy
Wild Cat Farms

In Indiana:

DeGroot Dairy
DeJong Dairy
DeKleijne Dairy
Greiving Dairy
Rock Creek Dairy
Rockwell Dairy
Treslong Dairy
Union G0-Dairy

*research thanks to Vickie Askins, ODA Watchdog

2010 Violations, including manure discharges to South Branch of the River Raisin

July 2010 – Following complaints from neighbors about emissions, **Hartland Farms** was cited by the Michigan Department of Agriculture for nonconformance with GAAMPs (Generally Accepted Agricultural Management Practices) for spraying liquid manure on the 4th of July weekend. Michigan's GAAMPs state that "farms should avoid spreading manure on weekend/holidays to reduce complaints of odors."
MDA Letter to Complainant (July 27, 2010)

May 2010 – **Hoffland Farms** cited for manure discharges at several locations, following draglining of liquid manure. DNRE staff noticed manure runoff flowing across Tomer Road at two locations, with contaminated flow entering "various field tiles and catch basins that **discharge into Rice Lake, Bear Creek, and the South Branch River Raisin.**" **E. coli counts were as high as 15,000/100 mL (15 times higher than allowed)**, Suspended Solids 1600 mg/L (4 is the Reporting Limit), Dissolved Solids 900 mg/L (20 is the Reporting Limit), Copper 390 ug/L (1 is the Reporting Limit).
DNRE Notice Letter (June 25, 2010)

March 2010 – **Bakerlads Farm** cited for discharging manure to a tributary of the South Branch of the River Raisin following land application of liquid manure. DNRE notes, "The samples collected during the inspection indicate that the **runoff water was severely contaminated** and resulted in violations of water quality standards downstream." Because of this discharge, Bakerlads Farm is required to apply for an NPDES CAFO permit.
DNRE Notice Letter (April 2, 2010)

Phosphorus pollution worse than ever in Lake Erie – liquid manure a concern

Phosphorus flowing into Lake Erie from the Maumee River and its tributaries is higher this year than any year since monitoring began in 1975.

Scientists have found an especially strong spike in the phosphorus which is **dissolved** in the water. Some phosphorus attaches to sediment particles and that has held steady or even been reduced over the years with erosion control and no-till farming. But dissolved phosphorus keeps increasing.

Phosphorus, a nutrient, is a common farm fertilizer and also a component of animal manure. When phosphorus runs off fields attached to sediment, or dissolves in water, it fertilizes algae, which in turn depletes oxygen and can cause the "dead zones" where fish can't survive.

Toxic Algae

With the dissolved phosphorus on the rise, algal blooms – including some toxic algae – have appeared in the Maumee Bay and western Lake Erie. Gail Hesse, chairman of the Ohio Lake Erie Phosphorus Task Force, told the *Toledo Blade* that something needs to be done or we "risk having western Lake Erie's ever-growing algae problem shoot off the charts."

The Maumee River had its highest concentration of dissolved phosphorus during the spring 2010 sampling period since the Heidelberg University's National Center for Water Quality Research started collecting data in 1975.

Agricultural fertilizers may be part of the phosphorus problem. But with the increase in CAFOs in the Maumee Watershed, almost all of them using liquid manure waste systems, the phosphorus enters soils and streams already dissolved in water, potentially a huge problem in controlling the downstream dead zones and toxic algae blooms.

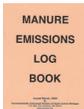
This summer several Ohio lakes were closed to all human contact because of toxic algae, after dogs and fish died from exposure to algal neuro-toxins.

Wisconsin seeks phosphorus water standard

Michigan and Ohio have NO water standards for phosphorus. Because of concern for Great Lakes water quality, Wisconsin plans to implement phosphorus standards to address agricultural runoff as well as other industrial sources. Pressure is building nation-wide to prevent agricultural runoff, the largest contributor to nutrient pollution. Michigan needs to address nutrient pollution by developing phosphorus standards. **Please talk to your legislator about supporting water quality standards for phosphorus.**

How to document the health impacts in our community

When you notice manure emissions and have physical or mental health symptoms, when you have to change your daily activities, please report the details to ECCSCM. All information will be anonymous. We use the health data to raise awareness and to inform policy makers, legislators and health departments.



To report health symptoms from manure emissions

1) go online: www.nocafos.org/reportform.htm

or

2) use printed log: contact us for a free copy of *Manure Emissions Log Book*



ECCSCM Meetings - 3rd Wednesday of the month, 7:30 p.m. Hudson Community Center

JOIN US: Yes, I want to help protect our water and promote sustainable agriculture. Contributions support water monitoring and community education.

Name: _____

Address _____

City _____ State _____ Zip _____

____ Annual Membership \$25 ____ Senior Membership \$10

Mail to: ECCSCM, P.O. Box 254, Hudson, MI 49247

Thank You!

We Support Sustainable Agriculture

that preserves and 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 community