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# A victory for environmentalists against factory

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## But problems persist for the neighbors farms

By DANIEL STURM

When a group of 20 began to battle the factory farms that moved into their area in Lenawee and Hillsdale counties, southeast of Lansing, in the early 1990s, it seemed as if the odds were against them. They were up against big business, after all, and this was big business with government backing.

The quality of life in the area had been transformed by 10 giant farms, on which roughly 10,000 cows were confined year-round. The resulting sewage — some 60,000 gallons a day per facility — was being poured into huge open pits, and eventually trucked, pumped or sprayed onto nearby fields.

Swarms of flies, an unbearable stench, and flu-like symptoms forced residents to keep their windows shut, and sometimes even to sell their homes.

Three years ago, volunteers belonging to the Environmental Concerned Citizens of South Central Michigan began to document the cow stench and monitor the water pollution stemming from the ten facilities. Funded by a \$7,000 Sierra Club grant, they documented more than 50 cases of illegal discharges and convinced the Michigan Department of Environmental Quality to investigate the situation.

Last week the National Wildlife Federation and the Sierra Club announced a victory in their lawsuit against one of the factory farms in Hillsdale County.

Mericam Farms must pay a \$20,000 fine to the state of Michigan and fulfill supplemental environmental regulations within one year, or pay an additional \$10,000 fine. The farm has also been ordered by the court to obtain a special water permit and implement a waste management plan for its livestock. The farm will be forced to pay a \$5,000 fine and additional \$1,000 toward monitoring of the water contamination for any new illegal discharges.

The environmental groups decided to take Mericam Farms to court in May 2002, after it was caught illegally discharging animal wastes into streams and drains. After one Mericam dumping, volunteers estimated the number of E. coli bacteria in a county drain at 1.34 million colonies per 100 milliliters—more than 1,000 times the legal maximum for partial body contact. (The full findings are posted on their Web site, [nocafos.org](http://nocafos.org).)

"This settlement shows us that there is a better way," said Anne Woiwode, director of the Sierra Club Mackinac Chapter, in a press release. "We can find ways to support sustainable agriculture, while making sure that massive animal factories stop contaminating our water. This settlement will help to create cleaner water for our families, for our future."

Earlier this month another dairy operation, Hartland Farms in Lenawee County, signed a settlement agreement with the two environmental groups, agreeing to bring the operation into compliance with the Clean Water Act or else face \$2,500 in penalties per day for any new discharges.

Since converting from a traditional dairy operation, Hartland Farms has been traced as the source of illegal manure discharges in the Raisin River watershed several times in the last few years. In one instance, the family-owned business discharged 400,000 gallons of manure into Bear Creek and Henning Drain.

An 83-year-old farmer, Gerald Henning, and his wife, Cecilia, whose farmhouse is located roughly 100 feet from Hartland Farms, suffer from hydrogen sulfide poisoning. The Hennings show losses of functions that are characteristic of the brain damage caused by hydrogen sulfide, according to a diagnosis by Dr. Kaye Kilburn, a professor of medicine at the University of Southern California. Kilburn concluded: "They are like workers exposed in oil or natural gas fields."

In a phone interview from his home near Clayton, Henning seemed unimpressed about the lawsuit against his neighbor.

How do you feel about this settlement?

Well, they will keep on dumping manure. It doesn't matter.

Don't you believe this lawsuit is going to improve the situation?

The publicity has helped change things a little bit. But the Michigan Department of Agriculture doesn't care. What we need is more law enforcement.

Do you still suffer from hydrogen sulfide poisoning?

Everybody in this township is getting it. We have 10,000 cows dumping manure in people's mouths. Why should these people be allowed to come in here and pump manure wherever they want, without any restrictions? The owner of Vrebahoff-2 was able to put 4,000 cows on I-127, and all he had to have for this was a well permit. When you drive down there, you can't get the stench out of your car for two miles. I suggested to the MDA, "Why don't you go and change the sign from 127 to □Cow Shit Alley?"

For more than two years, you called the MDA hotline to complain about stench and water pollution. What was their response?

I kept calling (877) 632-1783, but only picked up their recording, "This is the Right to Farm program." That [message] is what got them in trouble. I also have a "right to farm," but without their stinking cow shit.

Ingham County Prosecutor Stuart Dunnings has prosecuted you for cursing on the phone, based on state law. Has anyone at the MDA ever apologized for not helping you fight the high pollution levels?

No, but the American Civil Liberties Union who's taken on my case said I didn't use that bad of a language. I had called them "a bunch of farm bureau suck asses." Apparently, they didn't like that. They are running this whole thing.

It's cold in Michigan now, so the problem of flies is probably gone, right?

No, last week there were at least 20 flies on my door. Our neighbors have terrible health, because of this stinking thing. They can't even use one of their bathrooms because it smells so bad.

Have you ever considered moving away?

Since there's nobody who wants to buy our house, we aren't going to move. Why would anyone want to live near this stinking thing?

What do you suggest should be done to deal with the situation?

[Hartland Farms] should put its animal waste in a treatment plant. Why should I have to smell this crap?

With the holidays coming up, do you hope for a few days without stench?

That turns them on. They are more liable to come, and run up and down the line with some of that stinking stuff the day before Christmas than they are any other time. They're not neighbors, they're greedy.

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