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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Environment...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (September 2013)

Senate

Record of Committee Proceedings

Committee on Environment

Senate Bill 620

Relating to: groundwater management, water conservation, and granting rule-making authority.

By Senators Miller, Jauch, Robson, Risser, Lehman and Taylor; cosponsored by Representatives Black, Mason, Clark, Hebl, Zepnick, Soletski, Hixson, Roys, Dexter, Smith, Parisi, Berceau, Pope-Roberts, Pocan, Milroy, Pasch, A. Williams and Fields.

March 15, 2010 Referred to Committee on Environment.

March 23, 2010 **PUBLIC HEARING HELD**

Present: (5) Senators Miller, Jauch, Wirch, Kedzie and Olsen.

Absent: (0) None.

Appearances For

- Mark Miller, Monona — Senator, 16th Senate District
- Lori Grant, Madison — River Alliance of Wisconsin
- Eric Ebersberger, Madison — DNR
- Steve Suchomel, Medford — Town of Little Black
- Jennifer Giegerich, Madison — Wisconsin League of Conservation Voters
- Jerry Knuth, Plover — Wisconsin Wildlife Federation
- George Meyer, Madison — Wisconsin Wildlife Federation
- Daniel Trudell, Oregon — Himself
- Jennifer Nelson, Steuben — Crawford Stewardship Project
- Darin Von Ruden, Westby — Wisconsin Farmers Union
- Tom Stolp, Eau Claire — On behalf of Mike Kuhr of SE Trout Unlimited
- Bob Nauta, Oregon — himself
- Steve Born, Madison — himself
- Susan Wolf, Kenosha — Long Lake
- Marilyn Williquette, Milwaukee — herself
- David Wright, Amherst — himself
- Arlene Kanno, Wisconsin Dells — herself
- Jake Barns, Amherst — Friends of the Tomorrow/Waupaca River
- Kenneth Bradbury, Brooklyn — himself
- George Kraft, Stevens Point — UW-Stevens Point

- Amber Meyer Smith, Madison — Clean Wisconsin
- James Kerler, Lake Mills — Sierra Club
- Pamela Meyer — Herself
- Barb Holtz, Mukwonago — herself
- Tom Day, Eagle — himself
- Jacki Lewis, Eagle — herself
- Bill O'Connor, Madison — Wisconsin Association of Lakes
- Erin O'Brien, Madison — Wisconsin Wetlands Association

Appearances Against

- Dan Mahoney — Village of Plover, Village of Whiting, City of Stevens Point
- David Jelinski, Madison — Dairy Business Association
- Jordan Lamb, Madison — WI Potato & Vegetable Growers; Cranberry Growers; Pork Assn; Cattlemen's Assn.
- Nick George, Madison — Midwest Food Processors Association

Appearances for Information Only

- Kathy Pielsticker, Madison — DATCP
- Jim Vanderbrook, Madison — DATCP
- Liz Stephens, Madison — Wisconsin Counties Association

Registrations For

- Jessica Lindner, Madison — herself
- Elaine Swanson — herself
- Herbert Zautke, Milwaukee — himself
- Andrew Wolf, Kenosha — Long Lake
- Mike Geier, Wautoma — Waukesha County Watershed Council
- Rick Fahrenkrug, Neenah — himself
- Jodi Habush Sunykin, Milwaukee — Midwest Environmental Advocates
- Nathaniel Rice, Summit — himself
- Jessica Rice, Summit — herself
- Don Hammes, Middleton — Dane County Conservation League
- Spencer Black, Madison — Representative, 77th Assembly District
- Fred Gallant, Sussex — himself
- Abigail Jackson, Pleasant Prairie — Wisconsin League of Conservation Voters
- Alan Green, Spring Green — himself
- Dennis Grzezinski, Milwaukee — himself
- Melissa Scanlan, Milwaukee — herself

- Anne Sayers, Madison — Wisconsin League of Conservation Voters
- William Lynn, Milwaukee — Himself
- Shahla Werner, Madison — Sierra Club
- Natalie Byrne, Madison — herself
- Joseph Syverson, Madison — himself
- Kerry Schumann, Madison — herself
- Casey Eggleston, Madison — The Nature Conservancy
- Kimberlee Wright, Madison — herself
- L.D. Rockwell, Elkhorn — self
- Josh Zepnick, Milwaukee — Representative, 9th Assembly District
- Julian Zelazny, Madison — Wisconsin Land & Water Conservation Association
- Carol Gatzke, Sparta — herself
- Ned Gatzke, Sparta — himself
- Jerre Duerr, Oxford — Concerned Citizens of Marquette County
- Gloria Duerr, Oxford — herself
- Kevin Colson, Madison — himself
- John Duber, Cecil — Wisconsin Council of Sports Fishing Organizations
- Virgil Schroeder, Cottage Grove — Wisconsin Trappers Association
- Gene Eckler, Elkhart Lake — Sheboygan County Conservation League
- Tom Geiger, Stetsonville — Township of Little Black
- Barbara Feltz, Stevens Point — Friends of the Little Plover
- Susan Ecklor, Elkhart Lake — Sheboygan County Conservation League
- Heather Mullee, Milwaukee — herself
- Allan Peissis, Stetsonville — Town of Little Black
- Tom Stolp, Eau Claire — himself
- Mickey Beil, Madison — Dane County
- Thomas Thoresen, Fitchburg — Wisconsin League of Conservation Voters
- Joan Beyers, Wisconsin Dells — herself
- Laura Oayne, Cambridge — herself
- Karen Etter Hale, Madison — Madison Audubon Society
- Matthew Dannenberg, Watertown — himself
- Carol Gruba, Madison — Sierra Club
- Patricia Elson, Madison — herself
- C. Barrie White, Wisconsin Dells — self
- Ezra Meyer, Madison — himself

- John Mann, Eagle — himself
- Lisa Conley, Oconomowoc — Town & County Resource Conservation & Development
- Kathleen Crittenden, Viroqua — WI League of Conservation Voters; Valley Stewardship Network

Registrations Against

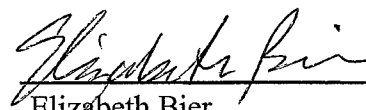
- Dennis Crow, Lodi — Wisconsin Water Well Association
- Tom Larsen, Madison — Wisconsin Realtors Association
- Pat Osborne, Madison — Aggregate Producers of Wisconsin
- Michael Berkholtz, Windsor — Water Well Inc
- Andy Diercks, Coloma — Coloma Farms
- Brad Boycks, Madison — Wisconsin Builders Association
- Tom Walker, Madison — WI Transportation Builders Assn.
- George Klaetsch, Madison — WI Agribusiness Council
- Scott Manley, Madison — Wisconsin Manufacturers & Commerce
- Curt Witynski, Madison — League of Wisconsin Municipalities
- Lawrie Kobza, Madison — Municipal Environmental Group - Water Division
- Bob Welch, Madison — WI Corn Growers Assn.
- Duane Maatz, Antigo — WI Potato & Vegetable Growers
- Paul Zimmerman, Madison — Farm Bureau

Registrations for Information Only

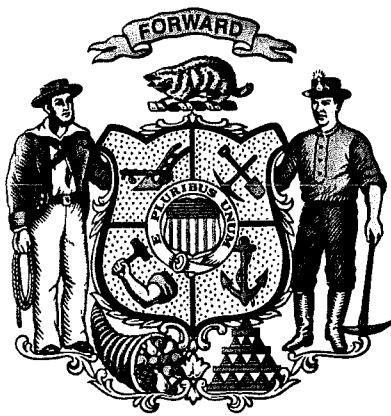
- Carol Zacharias, Oxford — herself

April 22, 2010

Failed to pass pursuant to Senate Joint Resolution 1.



Elizabeth Bier
Committee Clerk



From: Marilyn Williquette
To: wmarilyn@earthlink.net
Cc: Brian Wolf; Marcia Lehmann; Mary Lynn and Joe; tbender5@wi.rr.com; teresamanthey; Karen; Diane; Mary Schmitz; Lenny Schaefer
Date: 3/18/2010 7:24:05 PM
Subject: Typed copy of Seymour (Outagamie County) dairy farmer Valerie Dantoin Adamski's 3-17-10 letter to the Journal Sentinel

LEGISLATORS SHOULD PROTECT GROUNDWATER

I am a dairy farmer, and I am also in favor of the groundwater protection legislation that is being considered by the state Legislature.

We have a high-capacity well on our farm. We figured we'd better dig one now before the neighboring farm with 600 cows used it all up. Our shallow well, dug in the 1960s, no longer supplies adequate amounts of water.

One definition of sustainability is "enough for all, forever." The really big farms and the big factories will take more than their fair share, at the expense of those neighbors who want to maintain or grow businesses of the future. First one to the top of the hill wins!

This law just makes them slow down, conserve water and site wells in appropriate places so that streams and lakes that belong to us all aren't used up by a few. I'm not buying the scare-rhetoric of "jobs vs. environment." I want to be conservative of jobs in the future by not using up all the water resources now. Think ahead, people.

Valerie Dantoin Adamski
Seymour

--- Marilyn Williquette
--- wmarilyn@earthlink.net
--- EarthLink: The #1 provider of the Real Internet.

From: Marilyn Williquette
To: Rep.Molepske; Rep.Black@legis.state.wi.us; Sen.Miller@legis.state.wi.us
Date: 3/17/2010 10:00:59 PM
Subject: FW: Groundwater Protection Bill

--- Marilyn Williquette
 --- wmarilyn@earthlink.net
 --- EarthLink: The #1 provider of the Real Internet.

----- Original Message -----

From: Marilyn Williquette
To: jsedit@journalsentinel.com
Sent: 3/17/2010 9:49:11 PM
Subject: Groundwater Protection Bill

Kudos to the Journal Sentinel and Seymour dairy farmer Valerie Dantoin Adamski (3-17-10 opinion letter) for favoring groundwater protection legislation. I, too, support this proposed law.

My family has owned property on Long Lake near Plainfield (Central Sands area) since 1956. This groundwater lake has now completely disappeared.

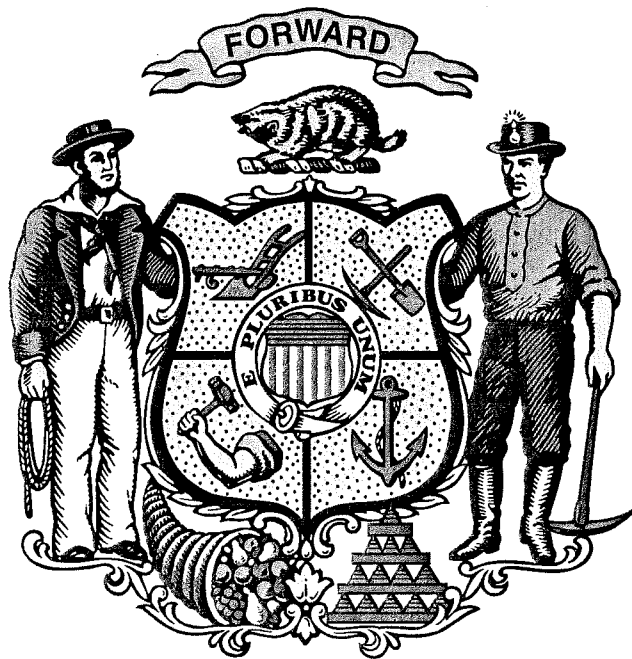
In 1950 there were five high capacity wells in the Central Sands area and today there are over 2500. As a result, at least ten or more property owners on our lake and the surrounding area had to drill new drinking water wells. (This area has one of the highest concentration of high capacity wells in the state and perhaps the nation.) [Please reference past 2009 "In Wisconsin" and recent 2010 "Here and Now" shows at wpt2.org regarding groundwater issues.]

Scientific studies from UW-Stevens Point and UW-Madison have determined that precipitation can no longer replenish the aquifer that lies under this area. In fact, Professor George Kraft has reported that 33 Wisconsin lakes have been affected by groundwater pumping in addition to trout streams, etc.

This legislation is not back door "global warming" or "empowering the DNR" legislation. This bill is budget neutral and enables local input for development of a "qualifying groundwater management area" plan by having the chairperson of the county board appointing the groundwater management council, etc. (See LRB-4094/1.)

Love does no harm to its neighbor. Please help support protection of our precious water resources for all of our present and future neighbors!

--- Marilyn Williquette
 --- wmarilyn@earthlink.net
 --- EarthLink: The #1 provider of the Real Internet.
 220 N. 50th St.
 Milwaukee, WI 53208
 (414) 476-5932



Township of Little Black, Taylor County

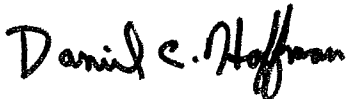
March 20, 2010

To the Groundwater Committee of the Wisconsin Legislature

Groundwater is critically important to Wisconsin.

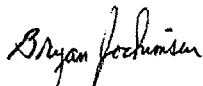
- Groundwater provides drinking water for 70% of Wisconsin citizens, supplies water for industries and businesses in 97% of Wisconsin's communities, sources nearly all crop irrigation, and sustains springs, lakes, wetlands and rivers.
- Currently, there is very little oversight for new high capacity wells and few requirements for existing ones. Overpumping of groundwater can lead to surface waters being drained dry or can threaten public health by exposing the groundwater to naturally occurring toxins like arsenic and radium.
- Economic development depends on sustainable water use. Depleted groundwater levels translate directly to low lake levels, barely-flowing rivers, and dry wetlands. Fishing, hunting, trapping, boating and other recreational activities depend on well-managed groundwater.
- In areas where there has been so much pumping that nearby surface waters have gone dry or local wells have been contaminated due to exposure to arsenic and radium, there is no way under existing Wisconsin law to address that situation and protect our waters. Our neighboring states of Minnesota and Michigan have already adopted laws to protect their groundwater.
- SB 620 gives Wisconsin the tools it needs to **PREVENT** the problems that come with the overuse of our groundwater supplies **BEFORE** we have problems. In areas that have already experienced problems such as the Central Sands region and this portion of Central Wisconsin, including the communities of Abbotsford, Gilman, Curtiss, Unity, Colby and Stetsonville, SB 620 provides a framework to resolve the conflict between competing water uses to ensure that we are preserving our groundwater for the long-term. By doing so, SB 620 will protect our surface waters and all the communities, businesses and farms that depend upon sustainable water supplies.

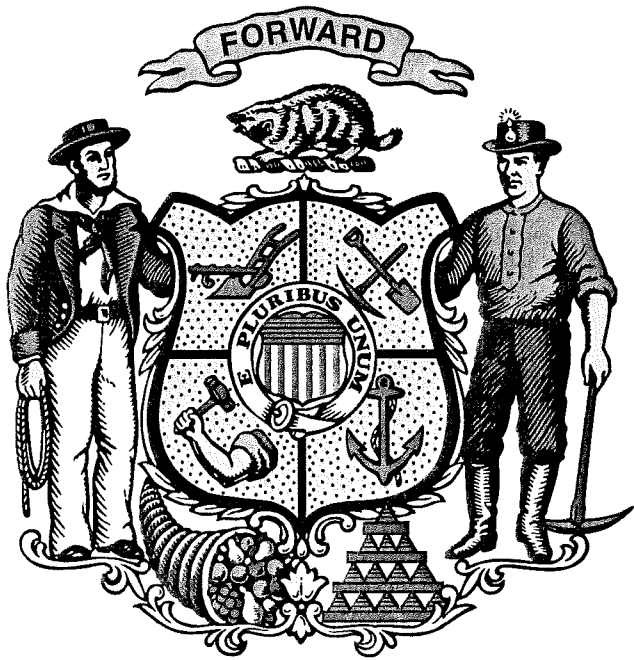
Thank you,



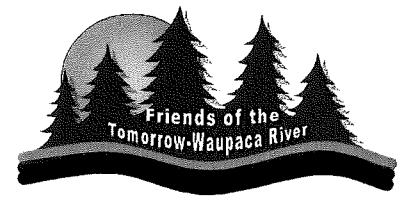
Town Chairman

Supervisors





Friends of the Tomorrow/Waupaca River



P.O. Box 31 Amherst, WI 54406

Email: FOTWR@hotmail.com

March 22, 2010

Dear Members of the Senate Environment Committee:

My name is Jake Barnes and I represent a Portage County river group called the Friends of the Tomorrow / Waupaca River. In addition, I have been involved in Little Plover River workgroup meetings since the spring of 2006 when they originated.

The Tomorrow / Waupaca watershed is part of the Great Lakes Watershed as it drains eastward toward the Wolf River. None the less, approximately 8% of the water in the Little Plover River basin comes westward from the Tomorrow River under the Custer glacial divide which separates the two water systems. Groundwater, as I think you know, flows downhill unless impacted upon by some outside force such as a high concentration of high capacity wells. While having a small percentage of our water going westward is not unusual, we don't know if this percentage is on the rise due to pumping in the central part of Portage County.

Since January 1, 2009, 11 new high capacity well permits have been issued in Portage County. Similar amounts have gone in in prior years after the Little Plover River first went dry in 2005. Nothing today precludes additional 25 million gallon per year wells from going in. While the Little Plover Workgroup, comprised of local decision makers, continues to meet, it is likely the net effect of 4 years worth of meetings is a net loss for the Little Plover River basin in terms of total water, despite a favorable shift in some pumping by the Village of Plover to less harmful wells.

Similarly, in the four years worth of meetings, nothing has been brought forward that disagrees with the science that has been presented. Science that says water is missing due to municipal and agricultural pumping. Sure, there has been plenty of "talk", but from a nuts and bolts science standpoint, nothing has indicated that pumping is not a major reason for the Little Plover River going dry.

One of the beautiful things concerning the Little Plover River is the amount of data available on it and its water levels. Likely, no other stream in the state has been studied as much. Unfortunately, for the Tomorrow/Waupaca, data isn't available and while high capacity wells still go in, and stream flows go lower, we cannot determine root causes.


Jumping forward, the new groundwater bill will be the hammer that brings local decision makers to the table and forces change. It is what is needed at this time. No one wants to

put hardship on anyone. No one wants the agricultural community to go through hardship, or the local municipalities. But unless this bill is passed, and change is effected, we will likely keep rolling along not attacking the problem.

Water is very much a finite commodity. In addition, in the state of Wisconsin, it belongs to all people. We have to start treating groundwater like surface water, managing it better, educating people, making difficult decisions that will benefit us long term, not just worry about the short term by doing things like pumping millions of gallons into the headwaters of the Little Plover when we don't know the impact of what we are doing.

I want to commend the Senate Groundwater Workgroup for its work on a very difficult topic and hope that this new piece of legislation will be brought forth into law.

Sincerely,

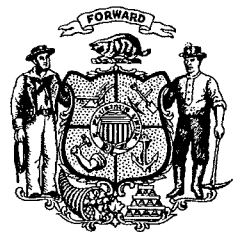


Jake Barnes

Friends of the Tomorrow / Waupaca River



WISCONSIN STATE LEGISLATURE



W349S10110 Bittersweet Ct
Eagle, WI 53119
March 22, 2010

RE: Groundwater Protection Bill (SB 620)

Dear Senator Kedzie:

I wrongly assumed that when East Troy announced that they were going to place a high capacity well near Lake Beulah that the 2003 legislation would have caused the DNR to require the necessary tests and studies to preclude a negative impact on the lake and surrounding watershed. I was wrong. We now have the well and are anxiously watching for the negative impact that has been predicted by some. I grew up on Lake Beulah and I know firsthand what a valuable asset it is. Although it's just outside of your district, I know you're also familiar with Lake Beulah.

Other areas of the state have already shown signs of overpumping and we have unfortunately learned that without regulation, some in our society will take as much as they can, with the outdated attitude that the resource is infinite.

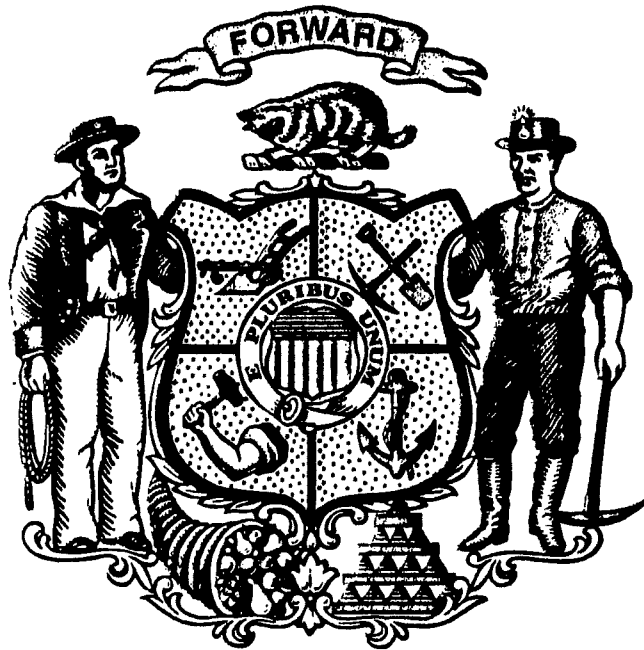
Water is a powerful economic driver - just ask Waukesha; and if we do not prudently protect this resource both business and recreation will suffer in the long term. People come to Wisconsin to enjoy our lakes and rivers. Businesses locate here both for the high quality water supply but also because it is a wonderful state in which to live, in large part due to its terrific water resources.

I realize that you have heard all of these arguments before but, as one of your constituents, I thought it was important that you hear from me. My wife and I have lived on Eagle Spring Lake for many years. We know firsthand how valuable the Mukwonago River Watershed is, and we want to protect it.

You did the right (and some would say courageous) thing in 2003 with your significant involvement in the Groundwater Protection Act. You are now given another opportunity to do what is best for the long term interest of both business and the environment by helping to pass the current senate bill. I hope you and all of your senate colleagues will support SB 620.

Respectfully,

John R. Mann



March 22, 2010

Dear Senator Miller and Members of the Senate Committee on the Environment:

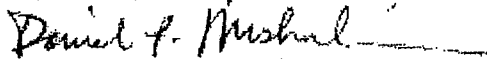
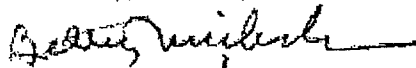
Please vote YES on the Groundwater Protection Act, SB 620, to help protect our precious groundwater resources from excessive pumping from municipal and irrigation wells. Groundwater not only provides the majority of Wisconsinites with their drinking water, but it also maintains the water levels and the high quality of our treasured lakes, rivers, and wetlands. While Wisconsin took an important step forward in 2004 with the first Groundwater Protection Act, it was merely a first step, and the time has come to close the loopholes in the first law.

SB 620 is important to us because it provides:

- Direction to balance demands on our groundwater supplies;
- A means to fairly and openly address existing water supply problems; and
- Guidance to proactively prevent groundwater shortages in vulnerable areas.

It is unacceptable that in a state that cherishes its water resources, we still allow waterways to dry up. The best example is the Little Plover River in Portage County, a popular trout stream which has dried up two years in a row because of excessive pumping. Areas all over our state are experiencing similar problems. This bill is just what we need to help balance what we take out of the ground with competing needs of our above-ground natural resources. The time for this legislation is NOW so that what happened to the Little Plover River and Long Lake won't happen to our favorite waterways and that our children and future generations may enjoy Wisconsin and not be worried about this situation.

Sincerely,



Dan & Betty Miskulin

I wish that I could say Yes, but we don't have any current protections. Getting back to the proposed 4000 cow CAFO in my township. Our local well driller, who happens to be a third generation well driller (all generations in our county), was first hired to drill wells. He could not find sufficient water and informed the CAFO owners that it wasn't a matter of time if they would run out of water but merely when they would run out of water. Their reply was to hire a new well driller. When asked specifically what they would do when the water ran out, their reply was and I quote, "We'll drill more wells and at a deeper depth".

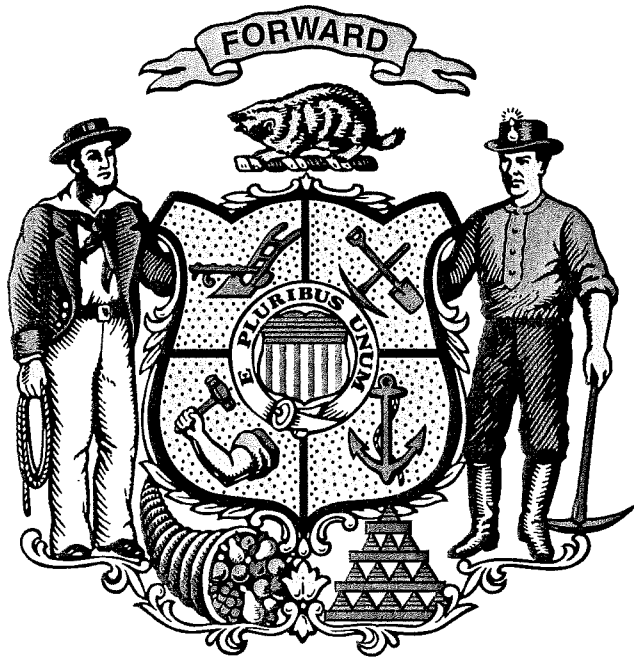
Senate Bill 620 establishes Ground Water Attention Areas. Our township and the crystalline rock aquifer under it and the surrounding area would be a Ground Water Attention Area. It would require a management plan consistent with available potential consumption. It would recognize multiple users.

In fact, until this legislation is enacted or at a minimum of having a site specific ground water study of our water poor aquifer as identified in the 1974 Water Supply Paper 2022, a moratorium on all new high cap wells in our area should be enforced.

Personally, I wish we didn't have the environmental situations that necessitate this legislation. It is a different world we live in these days. Unlimited consumption at the cost of other users is not only unfair but should be illegal.

Senate Bill 620 is for sustainable-agriculture and it is for sustainable-industry and it is for sustainable rural housing development. It is for the legacy of Wisconsin to have sustainable ground water resources.

Please support Senate Bill 620.



DATE: March 22, 2010

TO: Senate Committee on Environment

FROM: Daniel H. Schlutter, Village of Plover President
Jerry Walters, Village of Whiting President
Andrew Halverson, City of Stevens Point Mayor

RE: Proposed Groundwater Legislation (AB 844/SB 620)

City of Stevens Point, Village of Plover and Village of Whiting officials recently met to discuss proposed groundwater legislation being considered by the State (AB 844 and SB 620). We strongly agree that protecting the groundwater resources of the State of Wisconsin is of paramount importance. Crafting such legislation will be difficult, and must protect groundwater resources while ensuring that communities, businesses and the agriculture industry are not financially imperiled. We urge all Senators and State Representatives to ensure that the legislation represents a fair balance in protecting groundwater resources while ensuring that communities can provide safe, reliable drinking water to their residents and ensuring that the State's agriculture industry and farmers can continue to provide potatoes and vegetables to our State and Nation.

Our communities suggest that more work needs to be completed before this legislation is ready for approval. For example, three major concerns that our communities have with the proposed legislation (page and line numbers from the legislation are referenced) are listed below. It is imperative that these concerns be addressed prior to approving groundwater legislation.

1. The proposed legislation creates requirements for GMA's (groundwater management areas) and GAA's (groundwater attention areas), which would result in the elimination of the Little Plover Work Group. The Little Plover Work Group was formulated as a voluntary committee to address low flows in certain sections of the Little Plover River. The Village of Plover, Village of Whiting, Del Monte, farmers in the recharge area, Portage County, DNR, Trout Unlimited and the Wisconsin River Alliance are members of the group. Much progress has been made by this group on a voluntary basis, including the Village of Plover switching 85% of pumping away from the Little Plover River and Del Monte's recent acquisition of 160 acres of land near the Little Plover River (that will remove an irrigation rig that pumped 50 million gallons of water from the aquifer every year). To ensure progress and measure successes, both Villages feel it is absolutely critical to keep the Little Plover River Work Group alive.
2. Language that protects municipal high cap wells (Page 13, line 22) must be strengthened. The current language gives the DNR authority to shut down municipal wells if the DNR determines there is another reasonable alternative location for the well (Page 13, line 21). Municipal water supplies, located where and operating under the DNR's rulings, are in place to protect the health, safety and welfare of highly populated areas, whether for a population of 11,000 (Plover) or 600,000 (Milwaukee). This language needs to be strengthened so that municipal wells receive priority protection because of health, safety and welfare issues. The DNR should not be allowed to shut municipal wells down unless they are going to pay for the relocation of such wells under the consideration of present and projected future municipal needs..

3. The legislation bases decisions in GMA's and GAA's based on the "baseflow" of streams (10% reduction in baseflow), as defined on Page 17, line 10. This means that any minimal impact to stream flows, whether it be from drought or periodic fluctuations in groundwater levels can result in an area being designated as a GMA or GAA, with the subsequent rules and regulations to be formulated for the area. Furthermore, what determines "normal" flow for the stream? A better alternative would be to develop a Public Rights Stage flow for the stream, as was done with the Little Plover River. A public rights stage flow takes into account a minimum amount of water flow necessary to sustain a fish population (trout in this case). The public rights stage provides some flexibility to other users of the groundwater in the area (such as farmers and municipalities), in addition to maintaining a minimum flow that is intended to maintain the health of the stream.

Other issues that should be addressed prior to considering/approving such legislation include the following:

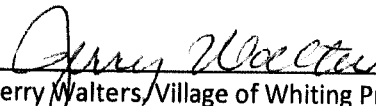
- On page 9, Line 14, the proposed bill states that the "commission shall commence a proceeding to issue an order for encouraging water conservation..." The DNR has already prepared a draft rule (Chapter NR 852 Water Conservation and Water Efficiency) in which water conservation measures are REQUIRED (not encouraged). One example is that proposed NR 852 would require that municipalities pass legislation limiting watering of decorative landscaping sod to every other day and only between the hours of 4 p.m. and 9 a.m. Our communities are concerned that the word "encouraged", which is used in the legislation is being modified to "required" in the DNR rule. In addition, who is responsible for becoming the sprinkling police? In the case of the Village of Plover and the Village of Whiting this issue becomes even more confusing since the rule may apply to those who use municipal water, but not apply to those who have their own low volume, private well. The majority of people who sprinkle in both Villages do so with their own private well.
- The definition of "Significant adverse environmental impact" (page 10, Line 7) is extremely vague. In addition, the DNR is ultimately given the authority to determine the definition at a later date. Our communities are not comfortable with this "open checkbook" philosophy.
- The definition of "spring" was altered to remove the requirement that springs have a minimum flow of 1 cfs (cubic foot per second). The introductory paragraphs to the legislation referred to a standard of .25 cfs. Discussions at the Committee level include using .25 cfs as a standard. What happened to the .25 cfs standard? The impact of the removal of any minimal flows means that all springs in the State will need to be inventoried. Who will do this inventory and at what cost? Even lowering the standard to .25 cfs meant that approximately 500 streams would need to be analyzed and added to the inventory. How will this impact DNR review of "significant adverse environmental impacts", and how will it impact high capacity well users.
- The proposed legislation allows any one individual to file a petition with the DNR requesting environmental review of a high capacity well (Page 11, line 16). The petitioner is required to submit information showing that the well as proposed would be "reasonably probable" to result in significant adverse impacts. This language is so vague that any well close to a spring or water body could reasonably be considered to have a significant adverse environmental impact. No high cap well near a stream could ever meet this standard and would never be approved. This language also empowers the DNR later in the legislation to either reduce pumping in high cap wells or eliminate them.
- The DNR has the ability to modify or rescind approvals for high cap wells (Page 15, line 10). The legislation does not define who is responsible for the financial impacts of shutting wells down. The

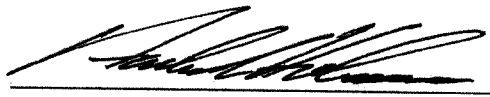
Villages of Plover and Whiting recently completed a study that showed that relocation of Plover wells (3) and Whiting wells (2) would cost an estimated \$17.5 million. While the Little Plover River Work Group determined that other options should be considered in lieu of relocating 5 municipal wells, the study showed that a huge financial impact exists if communities are forced to move their wells. Local communities do not have the financial capability of moving wells! The Groundwater Advisory Committee had discussed including language that a municipality would be reimbursed if a high cap well permit was modified or pulled by the DNR. What happened to this provision?


- The DNR is given the authority to periodically review and modify high cap well approvals (Page 16, line 12-15). As such, municipal wells could be impacted with little warning or advance notice.
- The legislation requires that a “target withdrawal quantity” be developed (Page 18, line 3). Our communities have significant concerns with this language. For example, how is drought considered in developing the target withdrawal quantity? Is it accounted for? The language does not answer this question. More disconcerting is the impact to agriculture and subsequent impacts to municipalities. For example, one can assume that to meet the target withdrawal quantity in a GMA, high capacity wells will need to reduce pumping or be taken off line completely. In this area it is not possible to reduce pumping, because the farmers enter into 3 year contracts with potato and vegetable processors. Those same processors also direct how crops are grown, including fertilization and watering (to ensure certain crop yields and set harvesting dates). If a farmer can’t obtain a 3 year contract because of groundwater withdrawals, who will pay the farmer for the lost income? More importantly, will the DNR avoid putting restrictions on farmers because of these issues and place restriction on municipalities instead? The entire legislation appears to be directed at municipalities rather than other high cap well users. The end result could be significant financial impacts to these communities.
- One of the criteria for assigning a GMA designation includes determining that groundwater withdrawals have caused a decline of one foot or more beneath or adjacent to lakes or wetlands. This determination is based on a groundwater model. Groundwater levels fluctuate yearly. In addition, groundwater levels are affected by drought. How are these factors considered as they relate to the one foot decline criteria? No answer is provided. Of greater concern is using a groundwater model to determine groundwater elevation fluctuations. Our communities have long argued that a model (computer simulation) is not an appropriate source of information to use in establishing groundwater elevation impacts. Our communities would argue a transient model must be used because it uses actual data (stream elevations and groundwater elevations are measured throughout the impacted area to determine groundwater elevation impacts).
- The legislation proposes that areas can be removed from GAA’s or GMA’s after an area meets in groundwater reduction targets (page 20, line 20). This is unrealistic. An area will never be removed from a GMA or GAA because removal would mean that high cap well users would no longer be required to meet the standards enacted for the area. The DNR is not going to remove a designation knowing full well that they will have to re-establish it at a later date.
- Because of the authority given to the DNR to modify or pull high cap well permits, there really is not much difference between the GMA and GAA designations. It would be more meaningful if the DNR had less authority to pull or modify high cap well permits in GAA areas.
- The legislation proposes that an unconfined aquifer area can be designated as a GAA or GMA if it is projected that water use trends suggest that the area will be negatively environmentally impacted by high cap wells (Page 24, line 1-4). Given the drought that has been occurring in the northern 1/3 of the State and the 10% reduction in stream flow criteria, it is likely that the entire northern third of the State will be in a GAA or GMA.

- Our communities would like assurances that the language regarding temporary groundwater removals allows dewatering for sewer and water main extension projects.
- In many cases, Federal funding assistance has been provided to communities for the purpose of siting and constructing municipal wells. At this point it is unknown how a DNR decision to eliminate a well or restrict withdrawals would affect such funding. If the Federal government would require repayment of such funds, who will be financially responsible for such costs?
- Our communities suggest criteria/requirements be developed for potential candidate appointment to the GMA or GAA council subcommittees. For example, appointments should be based upon the expertise or appropriate knowledge they bring to the table. In addition, we feel it is critical that the council subcommittee include representation from high capacity well users who are located in a proposed GMA or GAA.

It is clear to our communities that the proposed legislation needs work! Please do not pass this legislation without addressing the deficiencies that exist in the current language. We know that if we work together we can develop groundwater legislation that will protect our groundwater resources of our great State while providing for the municipal water needs of Wisconsin communities and ensuring that our farmers and the potato and vegetable industry can continue to meet the food demands of our State and Nation. Thank you for your consideration!


 Jerry Walters, Village of Whiting President

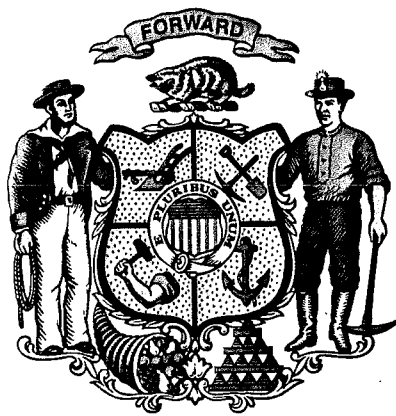

 Andrew Halverson, City of Stevens Point Mayor

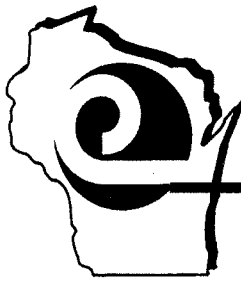

 Daniel H. Schlutter, Village of Plover President



Village of Whiting







Wisconsin Land and Water Conservation Association, Inc.

702 East Johnson Street · Madison, Wisconsin 53703-1533

Phone: (608) 441-2677 · Fax: (608) 441-2676 · Web site: www.wlwca.org

Senator Mark Miller
Chairman
Senate Environment Committee
State Capitol
Madison, Wisconsin 53703

22 March 2010

Dear Senator Miller

Thank you for authoring SB 620. I am writing to urge your committee members to **vote yes on SB 620**.

WLWCA is a not-for-profit conservation organization, which represents the County Land Conservation Committees. Our mission is to assist county Land Conservation Committees and Departments with the protection, enhancement and sustainable use of Wisconsin's natural resources. It is the "sustainable use" part of our mission that is the goal of SB 620. Stated simply, sustainable use is the rate of consumption of a resource that does not exceed the rate that natural processes are able to renew that resource. In spite of Wisconsin's water abundance, there are some places in our state where, at certain times, our consumption of water is unsustainable. The consequences of such use patterns are severe.

News accounts over the past several years tell of the Little Plover River, once a thriving trout stream, drying up in the summer time. Long Lake, near Waupaca, has all but disappeared. These surface waters are indicators for what is happening to our groundwater. As water tables are depressed more surface water is drawn underground, leaving insufficient quantities of water for our lakes and rivers.

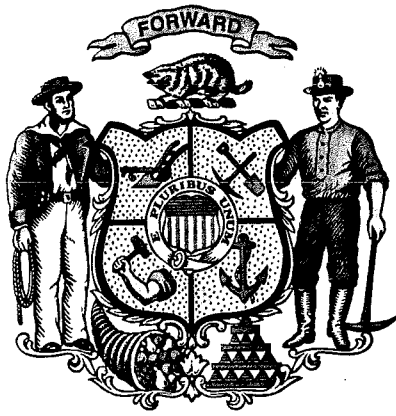
SB 620 is a reasonable approach to the conservation of this most precious of resources. It will require consideration of conservation measures for new groundwater withdrawals, and it will require a scientific review of new applications for wells to determine potential impacts to sensitive resources.

We believe that SB 620 will provide reasonable measures to address a problem in Wisconsin. We urge the members of the Senate Environment Committee to **vote yes on SB620**.

If you or any members of your committee should have any questions for WLWCA on this or any other soil and water conservation issue please do not hesitate to contact me.

Sincerely,

Julian Zelazny
Executive Director.



**Hearing Notes
March 23, 2010**

Call Public Hearing to Order and ask Clerk to call the roll

- ROLL CALL

SB 364/AB 544, relating prohibiting the installation, sale, and distribution of wheel weights and other wheel balancing products that contain lead

- Sen. Coggs/Rep. Black

SB 632, relating to control of nonpoint source water pollution in certain areas with carbonate and granting rule-making authority

- Sen. Hansen

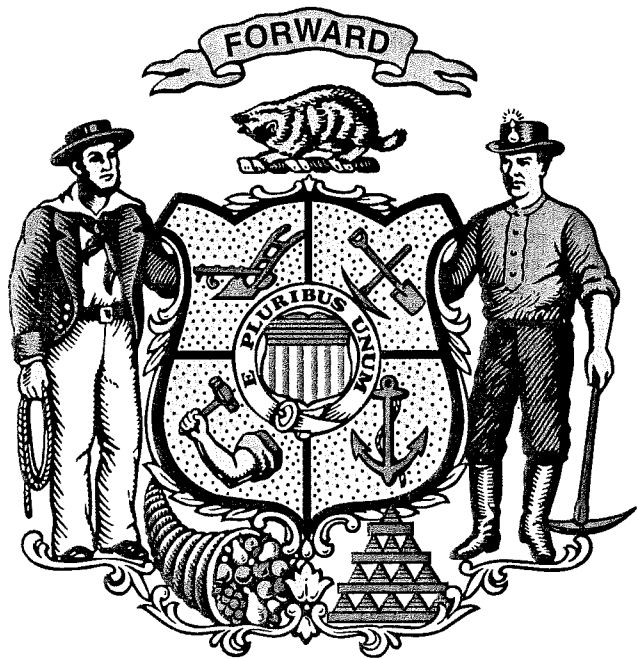
SB 629, relating to the sale, disposal, collection and recycling of mercury-added lamps and making an appropriation

- Sen. Jauch

SB 620, relating to groundwater management, water conservation, and granting rule-making authority

- Sen. Miller/Rep. Black

Public Hearing concludes, adjourn meeting



FORWARD





Wisconsin Builders Association

DATE: March 23, 2010

TO: Senate Committee on the Environment

FROM: Brad Boycks, Director of Government and Political Affairs
Patrick Stevens, General Counsel

RE: SB 620 (Groundwater bill)

The Wisconsin Builders Association opposes SB 620 in its current form.

This bill sets forth a process for designating “groundwater management areas” (GMA) and “groundwater attention areas” (GAA). A groundwater management council for each GMA would be created, and the council would be required to develop a groundwater management plan, which must be designed to ensure that by a designated target date, the area no longer qualifies as a GMA.

A GAA is an area that is likely to qualify as a GMA in the next 20 years. A GAA may, but is not required to have a groundwater management council and a groundwater management plan. In GMAs, and in GAAs with a DNR approved groundwater plan, DNR is required to review new and existing high capacity well approvals to determine if they are consistent with the plan. The plan must also include water conservation measures.

This bill also contains a number of other provisions, including modifications relating to the high capacity well law, and provisions relating to water conservation.

While WBA recognizes the need to have sufficient groundwater resources to meet the needs of Wisconsin’s citizens, WBA a number of concerns regarding this bill. These include:

- **GMAs and GAAs may discourage new economic growth.** As mentioned above, GMAs, and likely some GAAs, will develop plans to decrease water usage by an identified date to eliminate its GMA or GAA designation. WBA is concerned that new uses, or some types of new uses, would be prohibited

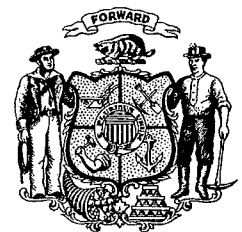
through this process. For example, would a new development be prohibited in one of these areas because of the water that would be needed to that development?

- **Allowing DNR to modify existing well approvals is unfair.** Under this bill, DNR can modify existing well approvals so they are consistent with the groundwater management plan, regardless of whether they are having any significant environmental impact. This ability to “rewrite” a well approval is unfair to those that have invested in an area based on that approval. It also raises the question of what types of uses would be subject to modification.
- **Allowing almost unlimited challenges to high capacity well applications.** Under current law, DNR is required to conduct an environmental review of high capacity well applications, in certain instances, such as when a well is located with 1200 feet of a trout stream. Under this bill, any person could file a petition requesting an environmental review, regardless of the location of the proposed well, if the person submits information showing it is “reasonably probable” that that the well will result in a significant adverse impact to surface waters. This broad language effectively eliminates the location restrictions in current law, and opens the door to numerous challenges to well applications.
- **There are numerous questions regarding this bill.** For example, what is the basis for the criteria for identifying groundwater management areas, and why do they make sense? Also, the bill reduces the threshold for springs that are protected under the high capacity well law to “perennial” springs with a flow of at least .25 cubic feet per second (cfs), compared to the current threshold of springs with a flow of 1 cfs 80% of the time. What is the basis for this change, why is it needed, and what is its impact? Furthermore, this bill directs the PSC to issue an order encouraging water conservation through rates and other methods. This suggests PSC can raise rates as a method to encourage water conservation. Is this the intent of this provision? What will be the other conservation measures imposed under the bill and what will be the cost? In addition, DNR is required to inventory “large” springs. What constitutes a “large” spring and what will be the costs associated with this inventory?

Thank you for your consideration of these comments.



WISCONSIN STATE LEGISLATURE



Bradbury Testimony regarding Wisconsin Senate Bill 620, March 23, 2010

Good morning. My name is Kenneth Bradbury. I am a professional hydrogeologist with the Wisconsin Geological and Natural History Survey, University of Wisconsin-Extension. I have worked on groundwater issues throughout Wisconsin for the past 28 years.

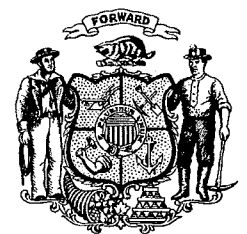
I am testifying in **support** of Senate Bill 620. This bill is a significant step forward in managing water resources in Wisconsin. It builds on the groundwater quantity legislation – Act 310– previously enacted by the legislature and provides for more scientifically-based designations of groundwater management areas and springs. The bill is consistent with scientific principles of groundwater movement, groundwater-surface water connections, and groundwater flow to wells.

This bill is important for the long-term sustainability of Wisconsin's water resources, and will foster informed decision-making in balancing the needs of various water users including municipalities, agriculture, industry, recreation, individual property owners, and the environment.

I will be pleased to respond to any question you might have. Thank you.



WISCONSIN STATE LEGISLATURE



Testimony
Senate Committee on the Environment

Senate Bill 620
Groundwater
March 23, 2010

Dennis Crow
Water Compliance Specialists
(Lodi, WI)

On Behalf Of
Wisconsin Water Well Association

Good morning. My name is Dennis Crow, and I am the owner of Water Compliance Specialists (Lodi), a private laboratory and consulting service that works with private well owners and the water well industry. In addition, I am a member of the Board of Directors of the Wisconsin Water Well Association and have, for many years, worked on behalf of the Association and the Industry and various updates to the codes that are developed by DNR to regulate our industry.

The mission of the Wisconsin Water Well Association is to not only provide the state's groundwater, but to protect it as well. Quite simply, unless we protect our groundwater resources, there is nothing for us to provide.

There are merits to many aspects of SB 620 – the continued use of Groundwater Management Areas and Groundwater Attention Areas, for instance – but there are several areas which give our Association concern and that is why we are opposing this bill. Let me be specific....

Having served on code development and review committees for some time, I realize that the DNR has done much to work with the industry that it regulates. Our work together has brought value to the people of Wisconsin for we have learned to balance policy with pragmatism; what we may want to do with what we can actually do in the field. It may not be perfect, but it works fairly well.

That said, we believe that SB 620 is a setback. By delegating authority for the development of groundwater management plans to counties and to regional planning commissions, we are getting away from the stated purpose of the Groundwater Work Group – the development of a statewide policy regarding groundwater management.

For years, our association has opposed actions by various counties to manage well abandonment (fill and seal) programs because they create a redundancy that increases cost without improving outcomes. They don't protect our groundwater any better than the program administered by the DNR.

SB 620 effectively transfers much of the DNR's authority to local units of government – units that are, in our experience, not qualified to make decisions on some of these issues. Counties more often than not lack the qualified staff and experience that the DNR has – and that's as it relates to abandonment. To extend the authority of the counties to manage groundwater withdrawals is a quantum leap.

We are concerned that there can be two unfortunate developments. One is the creation of a patchwork quilt of regulations, where drilling in certain areas is subject to regulation one way in one county and another way in an adjacent county; or one way within one GMA and another way in every other GMA or GAA across the state. Today, we have uniformity – if not in regulation necessarily than in the agency that is deciding the policy that dictates that regulation.

The second unfortunate development is the politicizing of water on a local basis. Control over water can mean control over economic development. A pro-environment county might choose one path while a pro-economy county may choose another path. We should be striking a balance, not striking deals at the local level and we believe the DNR is better positioned, at its level, to see the entirety of the issue.

I would also note that we have concerns regarding a few other items in the bill. It's unclear to us whether the funds that would be used to do the required studies of the springs around the state would come from existing permit fees or from additional fees. What we know is that the funds that had been accumulating and could have been used to do this work over the past several years were lapsed. Our industry is the one asking its customers to pay these fees and fund this research. We don't want to ask for more and we don't like to have to ask twice to pay for something that should have been done the first time. Please stop the lapsing of funds from program revenue sources like those paid by our customers!

We continue to have reservations as well with respect to additional restrictions and regulations on high-cap wells - among them is a concern regarding the ability and authority to modify the permits of existing users. While we recognize that there is an interest in allocating water among competing users, we also recognize that the model used by states such as Minnesota and Michigan have the potential to stymie our economy.

We are blessed in Wisconsin to have groundwater resources. If we can conserve water for the purpose of allocating it to other users so that we can GROW our state economy, that is a good outcome. To conserve those resources – by forcing businesses to use less so that it stays in the ground is

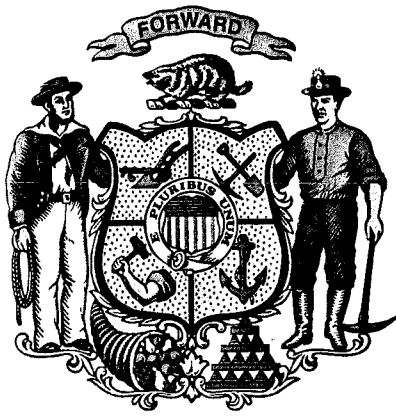
to squander away the greatest competitive edge we have in our national economy. We can and we should be using conservation as a way to have water available for new users. But any system that creates uncertainty for an end-user is not a good one. We are concerned that the owner who wants our water resources but can't guarantee their availability for the lifetime of a factory will look elsewhere – whether in the U.S. or abroad – to build its factory.

We appreciate the opportunity to testify today and the work of the Groundwater Advisory Committee and Groundwater Work Group to bring us to this place. When it was passed, ACT 310 was described as a first step. If there is to be a second step in that journey, it is our opinion that this is not the direction we should take. If you have any questions, I will be happy to answer them.

For More Information

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To: WI Senate Committee on Environment
From: Nick George, Midwest Food Processors Association
Date: March 23, 2010
Re: Senate Bill 620 – Ground Water Management

Thank you for giving us this opportunity to comment on SB 620, legislation that proposes to change the way groundwater is regulated in Wisconsin. At this time we oppose this measure because there are too many unanswered questions that must be addressed. Legislation of this magnitude will have a huge impact on several industries in Wisconsin including the food processing industry.

The food processing industry in Wisconsin is an important industry from an economic perspective. In 2008, the industry generated nearly \$34 billion in product shipments and employed more than 62,000 people. Wisconsin is a leader in the production of cheese, milk, cranberries, green beans, sweet corn, peas, potatoes, carrots, cucumbers, and cabbage. With some of these products we are number one in the nation. All of these products require an adequate amount of water.

As the legislature looks at this issue we ask that you be aware of the impact regulation may have on the food processing industry and consider the progress that has been made in this area. Water is a critical resource throughout all food industry sub-sectors and that requires it be used wisely in the face of increasing water prices and scarcity.

Water is a resource that can be just as critical and costly as energy in the production process. For instance, water is used throughout the fruit and vegetable processing industry for process cooling, boiler systems, water fluming, blanching, peeling, cooking, product rinsing, and equipment cleaning, as well as in the products themselves as an ingredient (e.g., in canned fruits, vegetables, and soups).

Because some Wisconsin food manufacturers draw processing water from local groundwater sources, they have extensive water conservation, reuse, and monitoring programs in place. In fact many food processors operate in arid locations throughout the United States and are experts in the area of water conservation.

A quick survey of members shows that many of the food processing facilities in Wisconsin return 85 to 90 percent of the water used back to the environment. To begin to more heavily regulate existing and new high-capacity wells fails to take into consideration efforts already made by the industry to conserve our current resources.

Food manufacturers know that proven water efficiency measures can, in addition to reducing facility utility bills for water purchases, improve water efficiency leading to reduced energy consumption for water pumping and treatment, reduce wastewater discharge volumes, and reduce wastewater treatment costs. Furthermore, the recovery and recycling of water can also provide opportunities for energy recovery, which can help to further reduce facility energy costs. Our members implement water

(over)

efficiency measures not simply because it is good for the environment, but because it is good for business.

The future prosperity of the industry is contingent on delivering a safe and secure food product. Federal and state regulations, and the nature of the food processing industry, require that food safety be considered concurrently with resource management practices such as water conservation. This proposal may jeopardize food safety and increase food costs by unnecessarily limiting access to water.

By their very nature food processors remain close to the land by producing or contracting for raw product and competing to provide the freshest, safest product available. SB 620 takes none of that into consideration and could harm a vibrant industry that provides thousand of secure, good paying jobs. For the above reasons we respectfully ask the committee to oppose SB 620.

Thank you for allowing us to comment on this issue. I would be happy to take any questions.