



Wisconsin State Public Interest Research Group  
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Thank you for the opportunity to testify. My name is Kerry Schumann. I'm the Director of the Wisconsin Public Interest Research Group, or WISPIRG. WISPIRG is a statewide nonprofit, nonpartisan organization working to protect the environment, protect consumers and promote democracy.

I am here to urge you to support several provisions to the state budget.

First, I ask you to support a \$10 per ton landfill surcharge fee and retain the corporate business surcharge to fund Wisconsin's recycling program.

Recycling is a natural practice for most Wisconsinites these days. According to a 1998 DNR survey, 98% of households in Wisconsin recycled. A 1990 survey of Wisconsin residents found that 57% were strongly committed to recycling. The same survey in 1998 showed that 75% of residents were strongly committed to recycling while 96% thought it was worthwhile.

Since Wisconsin's recycling law was implemented in 1990, Wisconsin residents have recycled 40% of their trash, keeping that waste out of landfills and allowing us to avoid building new polluting landfills. Leaky landfills contaminate our air and water with pollutants like methane gas, cyanide, mercury, dioxins, and lead. Those contaminants get into the air we breathe, the water we swim and fish in, and the water we drink. Building new landfills is a threat to public health.

Recycling is also a major industry in Wisconsin. A study done for the Department of Commerce Recycling Market Development Board found that 80,000 Wisconsin jobs are associated with recycling, and recycling has \$5.7 billion in annual sales in the state, more than agriculture

As Wisconsinites recycle their household trash, garbage is flowing into Wisconsin landfills from neighboring states. 14% of trash dumped in Wisconsin landfills comes from other states. Wisconsin cannot set up a roadblock to prevent trash from coming into Wisconsin. However, the cost of providing landfill space should be charged to all users through a reasonable tipping fee and a surcharge that encourages reuse and recycling. Given that the budget is very tight, we should encourage out of state waste haulers to pay their fair share.

Again, I urge you to support a \$10 per ton landfill surcharge fee to fund Wisconsin's recycling program.

Second, I urge you to support increased funding through the vehicle title transfer fee for nonpoint source pollution programs. Runoff pollution, pollution that doesn't come directly from a pipe, is the leading cause of water contamination in Wisconsin right now, effecting 40% of our streams, 90% of our lakes, our Great Lakes coastal waters, and much of our groundwater. Runoff pollution includes manure, fertilizers, and pesticides that run off farm fields into lakes and streams, as well as oil, gasoline, pesticides and other contaminants that run off urban streets and construction sites and into our waterways.

WISPIRG supports funding nonpoint source pollution programs at levels requested by the DNR, at a minimum. Just as importantly, WISPIRG supports funding those programs from a dedicated source rather than through general purpose revenue. We ask that you return to funding these programs through the vehicle title transfer fee.

Finally, WISPIRG strongly opposes any attempts to insert "audit privilege" into the budget. Audit privilege would prevent the state from taking action against a polluter who violates the law. It takes away enforcement for companies that agree to participate in the program. This proposal puts the health of the Wisconsin public and of our environment at risk by taking away the penalties for pollution.



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**Environmental Concerns about the Proposed JFC State Budget  
Before the 2001-2003 State Biennial Budget Committee  
By Caryl Terrell, Legislative Coordinator  
June 12, 2001**

Thank you for this opportunity to comment on the State Budget as it moves from the Joint Committee on Finance into the Senate and Assembly Caucuses. The Sierra Club appreciates the chance to provide you with this information about (A) what we fear will be added in the Assembly as well as what we request be removed (B) and added (C) to the State Budget.

A. We ask the Legislature to Guard against the addition of the following:

1. **Audit Privilege.** We have fought pollution secrecy for several sessions, most recently 1999 AB 356 by Rep. Duff. Pollution secrecy will not pass as a stand alone bill because the public supports enforcement of the laws on the books. We encourage all businesses to regularly audit their own operations and voluntarily correct any problems. But scofflaws are seeking an unfair competitive advantage over law-abiding companies. Rep. Duff asked and the Governor included pollution secrecy in the proposed Budget but it was taken out by JFC co-chairs as policy only. Please do not allow this policy to slip back into the budget.

2. **DNR Split.** No one really supports this split as demonstrated by the legislative hearings on this proposal. The sports hunting and fishing groups, Conservation Congress, the League of Women Voters and all the environmental groups oppose the split. It is likely to cost \$4 million in real money or the equivalent in resources diverted from conservation and enforcement programs. In a time of tight budgets, this costly proposal should not be slipped into the budget.

3. **Drainage ditches.** Many drainage ditches are navigable and need to be regulated under the public trust responsibilities of the state by the DNR. Language is proposed to transfer all review of agricultural drainage ditches to DATCP and to define them as non-navigable. Public resources should not be diverted for "agricultural purposes."

4. **Highway funding.** We would oppose any measure to provide new revenue for transportation including state highways until completion of the Long Range Multi-Program, Multimodal Transportation Investment Plan.

B. We ask the Committee to REMOVE the following from the State Budget:

1. Eliminate aquaculture provisions in proposed budget at Sections 1202, 1256-9. Fish farms divert surface and groundwater and use wetlands, streams, rivers and lakes. These

actions potentially pose adverse chemical and pathogenic impacts to water quality, destroy fish and wildlife habitat and may obstruct navigable waters. Fish farms should not be exempted from "public trust" review and permits from the DNR intended to protect the public rights in navigable waterways. This was an issue in the last Budget also and will not pass if debated in the open. Public resources should not be harmed by legislation to shoehorn aquaculture into the definition of "agricultural purpose."

2. Remove Motion 299 which removes the permit requirement for (a) any retaining walls above the Ordinary High Water Mark OHWM and (b) retaining walls below the OHWM in counties around Lake Winnebago and in connecting channels. This eliminates review of the individual and cumulative impacts of these structures on water quality, fish and wildlife habitat, scenic beauty and other public rights in water resources and preempts local government land use planning responsibilities.

3. Remove limits on public trust review under Chapter 30 and 31 for dredging at the local structures in the Fox River as proposed in Motion 445. All of the 17 locks and dams on the Fox River are holding back beds of sediment which have accumulated over the years and are loaded with high levels of PCBs, mercury and other serious contaminants. Public and DNR review is also needed on the transportation and disposal methods chosen for the dredged sediments.

4. Eliminate Dam Fish Ladder exemption, Motion 1446, for a dam in Jefferson County from the requirement to provide fish ladders. Because dams prevent fish travel, fish ladders are a normal requirement of dam owners. This sets a bad precedent as well as harming public fishing resources.

5. Eliminate Stewardship Fund earmarks for several building projects that are only tangentially related or not at all related to the Fund's mission of providing for nature based outdoor recreation.

C. We ask the Committee to SUPPORT the following AMENDMENTS:

1. Prevent a solid waste crisis by increase the landfill surcharge fee to \$10 per ton to adequately fund recycling program municipal grants and technical staff at UW-SHVEC and avoid need to build new unpopular landfills. Pennsylvania (Republican governor) has a \$2/ton tipping fee surcharge that is now reaping significant revenue especially from out-of-state waste.

2. Convert the nonpoint program funding from GPR back to segregated environmental fund.

3. Provide funding for correction of nonpoint water pollution violations, NODs, separate from the competitive grant pool as well as adequately funding rural, urban and flooding program needs.

4. Restore funding for air management staff with a base facility fee and restore CPI provisions on air emission tonnage fees. Final EPA approval of WI's Title V Air Program is in jeopardy without proof of this form of financial ability to fill existing staff positions and adequately handle monitoring responsibilities. (Motion 690, Alt #7).

5. Fair allocation of motorboat fuel tax by increasing formula from 50 to 80 gallons per motorboat from DOT to the water resources account for grants for local lake and river protection efforts and funds for State lake and river management efforts.
6. Increase to 5 FTE from 2.5 FTE the number of DNR staff for the new wetland mitigation program. Prohibit the preview of such projects until adequately staffed. Also authorize fee system for permits requiring review of wetland compensatory mitigation and for permits for wetland mitigation banks to provide program revenue for wetland mitigation staff.
7. Fund Family Farm Protection with agricultural marketing, price and market reform, farm entrepreneur micro-loan program and animal waste management practices funded with an annual WPDES facility fee.
8. Establish a committee to develop a Long Range Multi-Program, Multimodal Transportation Investment Plan.
9. Eliminate first draw on smart growth transportation planning grants for highway corridor planning. The governor's budget would potentially divert up to \$1 million a year away from local communities' comprehensive planning efforts to highway corridor planning.
10. Require DOT to provide lifecycle cost estimates to the governor and the legislature when proposing new major highway authorizations. Lifecycle cost should include at a minimum the costs of building, maintaining, policing, plowing, painting and signing, resurfacing and rebuilding over a period of 20 years.
11. Move back the sunset date for the Dane County Regional Planning Commission to October 1, 2004 from 2002.
12. Make several changes in the Farmland Preservation Program effective in the next biennium. These changes would focus the program on the best and most defensible farmland.
13. Increase bonding authorization for Stewardship Fund for acquisition of conservation land and natural areas to \$60 million per year.
14. Establish a new Urban Stewardship Fund with a separate bonding allotment to provide funds for urban and neighborhood park and recreation facilities.
15. Replace \$400,000 in funding for the biennium for smart growth planning. The governor funded this program, which provides 50% of the cost of a local comprehensive plan, at \$6 million for the biennium. The Joint Finance Committee diverted \$400,000 to a county housing inventory program.



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