

September 25, 2009

First Meeting of New Legislative Groundwater Workgroup

By Jordan Lamb

On September 24, 2009, the newly formed legislative workgroup on groundwater met for the first time at the State Capitol to begin discussing legislative changes to the state's groundwater laws.

This groundwater workgroup is chaired by Senator Mark Miller (D-Monona), the Chair of the Senate Environment Committee, and Representative Spencer Black (D-Madison), the Chair of the Assembly Natural Resources Committee. Representatives Cory Mason (D-Racine), Fred Clark (D-Baraboo), Louis Molepske (D-Stevens Point) and Scott Gunderson (R-Waterford) and Senator Neal Kedzie (R-Elkhorn) are also members of the Workgroup.

According to Rep. Black and Sen. Miller, the Workgroup will pick up the consensus recommendations made by the DNR's [Groundwater Advisory Committee](#) in their two reports to the Legislature. In addition, the Workgroup will discuss the other, non-consensus items, raised by the Groundwater Advisory Committee including the development of a statewide water conservation and efficiency program; further definition, creation and dissolution of "Groundwater Protection Areas;" definition of and regulation of springs; and regulation of high capacity wells.

Representative Gunderson cautioned the Workgroup that during the Great Lakes Compact debate, many of the same parties on this Workgroup agreed that a statewide water conservation and efficiency program should be *voluntary*. Senator Miller responded to that statement stating that it was true that during the Compact negotiations, a mandatory statewide water conservation program was removed because the focus of that legislation was the Great Lakes Basin. However, he indicated that one of his goals was statewide consistency.

Additionally, the Workgroup decided to discuss funding groundwater monitoring and data collection programs and the "connection between groundwater and surface water," which was discussed in some detail in the context of the potential expansion of the Public Trust Doctrine to groundwater. Representative Molepske stated that it was time to address the issue that groundwater and surface water have a direct connection. Representative Gunderson advised the Workgroup that the Public Trust Doctrine was a complicated issue and that they should proceed with caution. Representative Black stated that the groundwater/surface water connection and the Public Trust Doctrine would be discussed by the Workgroup at further meetings.

There were quite a few general comments from Workgroup members, as well as members of the audience (who were asked at several intervals for their comments), about the water quantity and quality problems in the Central Sands area of the State. In addition, Senator Miller asked the problems associated with the Karst region of the State in Brown County also be addressed by the Workgroup.

Representative Clark asked that the Workgroup look at issues of local control with regard to groundwater regulation and that they also consider bottled water issues.

Representative Mason asked that the Workgroup review how planning commissions, like SEWRPC (the Southeastern *Wisconsin* Regional Planning Commission), are called upon to address groundwater issues. He also asked that public health issues associated with groundwater quality be addressed.

At the request of Representative Molepske, the Workgroup will go on a day-long tour that will include: the Little Plover River; the Del Monte Plant (Plover); the location of a recently proposed water bottling plant (Town of Oxford); a field irrigation system (Central Sands area); and a municipal water utility.

The co-chairs of the Workgroup stated that they plan to meet at least four times before a legislative recommendation is finalized. Their next meeting will be Thursday, October 1, 2009 in the State Capitol. It is expected that legislative recommendations will be made by this Workgroup by mid-November.

New Legislation: Natural Resources Board / Secretary

By Jordan Lamb

Representative Amy Sue Vruwink (D-Milladore), Chair of the Assembly Agriculture Committee, is circulating legislation for co-sponsorship that would require at least one member of the Natural Resources Board to have an agricultural background.

This bill comes on the heels of separate legislation that was introduced earlier this year by Representative Spencer Black (D-Madison), chair of the Assembly Natural Resources Committee, that would require the Department of Natural Resources Secretary to be appointed by the Natural Resources Board, instead of the Governor.

Under current law, the DNR Secretary is nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. Under Assembly Bill 138 (which passed the State Assembly on September 22) the Natural Resources Board would appoint the secretary of natural resources for a four-year term. As the appointing body, the Natural Resources Board would be empowered to remove the secretary from office at any time.

NY Times Series "Toxic Waters" Aims at Wisconsin Dairy Farms

By Jordan Lamb

The *New York Times* is running a series on water pollution in the United States entitled, *Toxic Waters*. The most recent article in the series, *Health Ills Abound as Farm Runoff Fouls Wells*, sets its sights on Wisconsin dairy farming. The article focuses on Town of Morrison (Brown County) well contaminations.

The article states that farm runoff is "essentially unregulated by many of the federal laws intended to prevent pollution and protect drinking water sources ..." and that state laws intended to regulate farms "have failed to protect some residents living nearby."

To review the articles in this series, including *Health Ills Abound as Farm Runoff Fouls Wells*, go to <http://projects.nytimes.com/toxic-waters>.

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