

Common sense amendments needed to high capacity well bill

Posted on Mar 24, Posted by [Criste Greening](#) Category [Wisconsin](#)

The Senate Committee on Labor & Regulatory Reform is voting on SB 76 (high capacity well bill), Tuesday March 28th.

Chairperson Nass has instructed his committee to vote by paper ballot blocking the ability of committee members to discuss, debate, or offer amendments to this bill. Nine hours of public testimony was offered on March 15th and will not be acknowledged by open discussion by our State Representatives. They have from 10:00am-1:00pm to vote yes or no to SB 76 on a paper ballot, from their offices. Their votes will be recorded and published. **This is very poor public process.**

Citizen Water Coalition recognizes this bill in its current form was crafted by agribusiness interests. Experts suggest it will have a negative impact to Wisconsin water resources as well as a detrimental impact to citizens and the small and medium sized farmers of Wisconsin.

The following amendments should be considered and acted upon on behalf of Wisconsin constituents and citizens.

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One size fits all legislation regulating, reviewing, and permitting high capacity wells in Wisconsin is unacceptable. This bill should be amended to show the following:

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Create a map of Wisconsin that clearly outlines areas that are impacted/not impacted by over-pumping from high capacity wells.

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Periodic review of a high capacity well in areas of Wisconsin currently demonstrating no significant impact from over pumping is unnecessary when a well requires maintenance or reconstruction.

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Periodic review **MUST** be mandatory for all high capacity wells located in areas already demonstrating significant impacts due to over pumping, such as the Central Sands Region

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Automatic transfer of a high capacity well permit with the sale of property without periodic review is unacceptable, amendments should be made as follows

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Transfer of property (ownership) between family members with the same purpose and estimated pumping rates of the property's high capacity well, when in an area that is not identified as an area of concern due to over pumping
, does not require a periodic review.

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Transfer of land from property owner to another entity which plans to pump in excess of previous records of well pumping or is in a region where high capacity wells are already demonstrating impacts MUST require a periodic review.

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Drilling of a well to fill an impacted lake should be removed from this bill completely

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DNR representative Adam Freihoefer, as well as Hydrologist George Kraft, testified that waters in the Central Sands are inter-connected (surface water is impacted by groundwater). Both stated plans for refilling lakes within the study area outlined in the bill do not make sense and would be of no benefit.

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Wording denying citizens right to request a contested case hearing MUST be removed in its entirety

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This clause is in complete contrast to the democratic process

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Current law only allows citizens the right to contest a decision AFTER impacts and property

rights have been affected. Citizens should have the right to contest the decision before a permit holder is allowed to operate, based on studies or evidence that shows the potential risks

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No legislation should ever hinder the citizens rights to fair and appropriate actions through our court system

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Sensitive resource study area outlined in the Central Sands region requires further consideration

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Study areas identified do not incorporate the already highly impacted areas of the Central Sands, instead targets 3 random low impact areas. Highest impact areas must be included in study

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Because of the unique geological conditions involved, study and groundwater modeling should incorporate the entire Central Sands region and not limited areas

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Temporary suspension on new high capacity wells should be implemented in the Central Sands region already showing the highest amount of impact due to over-pumping of high capacity wells

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Temporary suspension should remain in place until completion of the new study AND corrective actions are put in place legislatively to address the critical area and over pumping occurring

In conclusion Citizens Water Coalition feels much time and effort is needed on this legislation to ensure all stakeholders interests are recognized. In its current state this bill provides a carte blanche check to the Industrial Agricultural Industry to continue to compromise Wisconsin water resources with no checks and balances to their actions.

The Public Trust Doctrine states the waters of Wisconsin belong to everyone. It is the Legislature's job as elected officials to represent both the citizens and industry interests in a *FAIR* and *JUST* manner by bringing both groups to the table to work on an acceptable compromise.

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