Written by Wisconsin Senate Democrats
Wednesday, 02 March 2016 12:00

Senate Bill 239 relating to groundwater is scheduled to be voted on by the Senate Agriculture, Small Business and Tourism Committee today, Wednesday, March 2nd.

MADISON - Wisconsin is blessed with an abundance of water. Water provides the basis for our economy and way of life. Yet Wisconsin Manufacturers & Commerce and their legislative allies continue to threaten that resource, pitting one user against another, undermining Wisconsin's constitution and threatening economic stability.

Recently, the Legislature tried to pass Senate Bill 432 which would have allowed private companies to buy public water systems without requiring the consent of the people served by that system. A public outcry ensued, fueled by the tragedy in Flint, Michigan, resulting in Senate Republicans having to kill the proposal after it passed the Assembly. The public should be equally concerned about another end-of-session attempt to cut the public out of decisions affecting their water supply.

Senate Bill 239/Assembly Bill 874 would make permanent all current usage of high capacity wells. It allows the transfer, replacement and reconstruction of wells without a new permit. While that may not seem significant, under current law high capacity well permits are perpetual. There is no end date. If SB239/AB874 passes, any permit that is currently in existence, or any permit issued in the future will never be subject to review unless the well owner wants to change their permit terms. That essentially privatizes the groundwater for that well owner now and into the future. The waters of the state will be allocated on a first-come, first serve basis, running afoul of Wisconsin's state constitution which protects the waters of Wisconsin for the benefit of all users.

Under the public trust doctrine in Wisconsin's constitution, everyone is entitled to access our water, but no one is allowed to use the water to the detriment of others. Under AB874, new well applicants could be denied permits because existing permits already allow over-use of the water resource. This over- subscription of water is a current reality in parts of Wisconsin.

In the Central Sands region, high capacity well operation has caused lake shorelines to recede, springs to dry up, stream flows decline and impacted drinking water supplies and damaged private property values. The Little Plover River near Plover is the best-known example of a stream nearly disappearing due to nearby high capacity well withdrawals.

It does not need to be this way. Current groundwater science can determine with reasonable accuracy how much water can be withdrawn from an aquifer and still maintain water availability for all users. It can determine how much water can be withdrawn from wells in the vicinity of water bodies and still maintain normal seasonal flow and lake levels. It can determine which wells are affecting the surface waters. In short, modern ground water science provides us with the tools needed to manage our abundant water resource indefinitely and avoid the conflicts that arise due to over consumption.

Rather than passing SB239/AB874, exacerbating the problem and inflaming user conflicts, we need to look to the science that exists and craft balanced solutions. One comprehensive solution is outlined in Senate Bill 72, the Water Sustainability Act. It creates a mechanism to identify areas where water withdrawals are not sustainable and the development and deployment of a science-based plan to bring those withdrawals back in balance. It also establishes periodic review of permits to assure all parties can access their fair share of the waters of the state.

We have a responsibility to develop sustainable environmental policies that ensure our precious natural resources will be around for future generations. Businesses, homeowners, and municipalities all rely on groundwater resources to thrive in daily life.

Senate Bill 239 will be voted on by the Senate Agriculture, Small Business and Tourism Committee on Wednesday, March 2nd.

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