http://newiprogressive.com/images/stories/S5/clean-drinking-water-s5.jpg

The Sylla's struggle with bad water, caused it seems by a high capacity well operated by a sand mine near their farm. Brown water is coming from their well and a horse died from exposure to toxins likely in the water. A bill in Madison, which would grant the well owner a permit in perpetuity, makes situations worse.

ALMA, WI - What if you woke up one morning turned on the faucet to wash your face and saw brown water coming out of your tap?

Stacy Sylla of rural Lincoln Township in Trempealeau County texted me just such a photo of water the color of sludge. She has gone through three washing machines, dug fistfuls of sand out of the tank of her toilet, and bought an expensive water-filtering device. Her horse, Apples, died of exposure to toxins and pollutants found in her water.

The likely cause of the well problems? A new sand mine just over a half a mile away from Stacy and Mike Sylla's farm.

Local residents opposed the sand mine. In order to get the mine approved, the cities of Independence and Whitehall annexed land miles from the original city borders. This end-around of the township government left residents with little say about what happens in their neighborhood.

Stacy testified against the mine. She heard from a city council member that, "It's not affecting my house." She later told me, "I feel like the state has failed to protect the people."

Town officials tried to stop the annexation and tried to work with the mine to no avail. The town received many reports of water problems evidently caused by the mine pumping more than the local aquifer could handle.

The story Stacy shared with me became a part of the debate on a high capacity well bill that fortunately failed to pass the Legislature last spring.

The Syllas and their neighbors did receive a bit of a reprieve with cleaner well water when low gas prices resulted in less hydraulic fracturing, and consequently less need for sand. The mine ceased activity and the water in the neighborhood started to clear up.

But this spring both the brown water and the high capacity well bill are back. Last month sand mining started up again. Stacy and Mike are hauling water for their livestock, buying water for cooking and drinking. Now they wonder if bathing in brown water is a health risk.

The sand mine doesn't appear to take any responsibility for the problem. However, Mike Sylla recently told the Trempealeau County Times, "One day they started blasting and it wasn't long before our water went bad."

The Wisconsin Department of Natural Resources (DNR) also does not appear to be taking any responsibility. My office was told the state "didn't have regulatory authority" and the Sylla's should "test their water."

With a lack of state action, the Trempealeau County Board started a program of well testing. Toxins released in the water are expensive to detect. The county will pick up most of the cost of the water testing. Information and test kits are available through the Trempealeau County Extension office.

Meanwhile a bill to make matters worse for neighbors with bad wells is moving through the Legislature. Senate Bill 76 would give a high capacity well owner access to water in perpetuity. Currently, the DNR reviews permits and any issues related to the permit when a well owner replaces, upgrades, transfers or replaces a high capacity well.

There is no other system for a regular “check-up” to make sure local wells and waterways are not harmed by the removal of water through the high capacity well. During the Senate debate, my colleagues and I tried to add commonsense “check-ups” for high capacity wells such as a review every ten years or when there is a change in usage (from agriculture to sand mining), and when considering approval of a large number of new wells in the vicinity. All of these amendments were defeated.

Senate Bill 76 recently passed the Senate on a partisan vote. The Assembly may take up the bill as soon as the beginning of May.

Our state Constitution Public Trust Doctrine sets out that Wisconsin’s waters belong to all Wisconsin residents. Senate Bill 76 takes the state in another direction – the one with the biggest straw gets the most water.

State action to pass this bill will make matters worse for the Sylla’s and their neighbors. I urge my colleagues in the Assembly to stop this bill. We need commonsense solutions that allow access to clean water for all Wisconsin residents.