



MEG MUNICIPAL DRINKING WATER
A Division of the Municipal Environmental Group

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HAND DELIVERED

Members of the Senate Environment Committee
State Capitol
Madison, WI 53702

RE: Comments on SB 620 – Groundwater Bill

Dear Senator Miller and Committee Members:

The Municipal Environmental Group - Water Division (MEG-Water) is an association of 52 municipal water utilities who provide drinking water to the public. Municipal water utilities are entrusted with the responsibility to provide a safe and sufficient water supply to residents.

MEG-Water supports groundwater planning in order to protect the quantity and quality of groundwater. We were actively involved in the creation of Act 310, the Groundwater Advisory Committee, and the Great Lakes Compact implementing legislation. We agree with others who have stated that it is time to take another step forward in wise groundwater management.

SB 620, however, is not the right step forward. This is so for three major reasons.

First, SB 620 focuses on identifying problems, rather than finding solutions. We believe time, resources, and efforts should be focused on problem solving, not problem identification.

SB 620 sets out seven different ways an area could qualify for designation as a groundwater management area, and it provides a detailed process for designating these areas. Undoubtedly a great deal of effort will be expended by the groundwater coordinating council subcommittee, the groundwater coordinating council, and then the Department of Natural Resources as they examine potential areas and the seven criteria for potential groundwater management area designation. Undoubtedly those opposed to designation will also spend a great deal of effort to demonstrate that designation should not be granted. But to what effect will all this effort be directed? Identifying a problem does not solve a problem. We should be focusing resources on solving problems, not merely identifying them.

We believe that the right way to proceed is for the legislature to focus on a limited number of groundwater management areas, and to get started with groundwater management planning for those areas.

Second, SB 620 fails to grapple with the issue of how to actually do regional groundwater management planning. This is the guts of what needs to be done, yet the bill barely addresses the issue.

The issue of regional groundwater management planning has been on the table a long time. It was raised and left open by Act 310. It was extensively discussed by the Groundwater Advisory Committee. The Committee's 2006 Report recommended that future legislation establish the fundamental aspects of groundwater management plans and planning activities, and that administrative rules establish the requirements of groundwater management plans. Since 2006, however, little more has been done.

SB 620 fails to meaningfully address how groundwater management planning should be done. Instead of dealing with the issue head on, SB 620 simply delegates the development of the groundwater management plan to a county committee. SB 620 provides little direction on how to actually go about the process of groundwater management planning. It provides no funding to the county committee to do the plan. This is a major deficiency in the bill, and demonstrates the lack of a vision of what is suppose to actually happen.

MEG-Water believes that in the absence of a clear vision, good guidance and funding, it makes sense to go slow, and learn as we go. MEG-Water recommends that the groundwater management planning begin in one or two areas designated by the legislature, and that the state devote the necessary financial and technical resources needed to do a good job with those plans. Once the state has the experience with the development of these plans, we will then be in a position to decide how to move forward and expand the lessons learned to other areas.

Third, SB 620 establishes an adversarial system for water users, instead of fostering a climate of cooperation among water users.

SB 620 requires the DNR to establish a target withdrawal quantity for the groundwater management area, and then requires the county committee to prepare a plan that will limit withdrawals to that target withdrawal quantity. In other words, the county will be charged with allocating water use among current and future water users in the area. As water use is essential to the health and well-being of residents, cities, businesses, agriculture, and others, this allocation will be of paramount importance to all concerned. The lobbying of the county committee members will be intense as interested water users all seek to protect their access to groundwater.

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SB 620 should not put water users and the county committee in this position. A goal of the groundwater management planning process should be to get groundwater users in the area to work together and develop a sustainable plan. It should not be to pit water user against water user. Perhaps some day we will be forced to fight over water as they do in the west, but that day should not be today. Instead of fostering litigation, the state should be working to foster cooperation.

MEG-Water believes SB 620 should not require the establishment of a target withdrawal quantity for the groundwater management area, and the plan should not be required to limit withdrawals to the target withdrawal quantity. Instead of the DNR establishing a fixed target withdrawal amount, the groundwater planning committee should work together to establish recommended withdrawal amount for all users in the area. Best management practices, including conservation, should be included in the plan. Monitoring should be conducted to evaluate plan progress, and the plan should be revised if further steps are required. This change from an adversarial process to a cooperative process will result in stakeholders focusing resources on trying to improve groundwater use in the area, instead of lobbying or litigating to protect their share of a groundwater allocation.

In conclusion, MEG-Water is supportive of regional groundwater management but disagrees with the approach contained in SB 620. MEG Water supports an approach that fosters cooperation among water users, that focuses resources on solutions instead of problems, and that moves forward in a deliberative way. Regional groundwater management is needed, but not in the way envisioned by SB 620.

Thank you for your consideration of these comments.

MUNICIPAL ENVIRONMENTAL GROUP
- WATER DIVISION



Lawrie J. Kobza, Legal Counsel

cc: MEG-Water Steering Committee

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