



LEAGUE OF WOMEN VOTERS® OF WISCONSIN EDUCATION FUND

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NATURAL RESOURCES

The League's position on natural resources reflects League members' concern for their environment. Major national and state studies have concentrated on water, air, energy and solid waste, and land use, recognizing their interrelationships and the need to consider all media together. The League believes in high standards for water and air quality and supports government regulations and enforcement of the standards. The League supports planning to provide for wise use of resources.

STANDARDS AND ENFORCEMENT

Wisconsin led the way in taking governmental action to restore and maintain the quality of the environment, lending strong support when related agencies were reorganized into the Department of Natural Resources (DNR), to create a public intervener office in the Department of Justice to speak on behalf of the public's interest in natural resources, and to establish programs for air and water pollution control and solid waste management.

In 1971, the Wisconsin Environmental Policy Act (WEPA) was passed, requiring consideration of environmental impacts in the

development of state policies and the administration of state regulations and actions. League has monitored WEPA guidelines and implementation over the years. In 1978 state policy was adopted to consider the impacts of state actions on energy resources and prime agricultural lands.

League has supported a series of successful efforts to increase the dollar amount of all statutorily set civil and criminal penalties. We have supported unsuccessful legislative efforts to adopt a citation system as another enforcement tool. Citations are issued like parking tickets for violations that do not directly

threaten public health or the environment. The citation puts a price on not complying with all the rules.

In 1995, League strongly but unsuccessfully opposed the moving of the public intervener's office from the Department of Justice to the Department of Natural Resources, eliminating its independence and its right to sue polluters.

In 1997, League opposed giving manufacturers an environmental audit privilege under the guise of encouraging routine audits. The bill would allow them to conceal voluntary pollution reports and give them immunity from criminal penalties for exceeding pollution standards. The bill failed to pass.

League also opposed the establishment of an Environmental Council composed of scientists in the Department of Agriculture, Trade and Consumer Protection. The League argued that the Council was unnecessary, its authority was too broad and poorly defined and that it would weaken the input of the general public in environmental affairs. We believe that the departments dealing with the environment already have adequate authority and are required to hold public hearings on rules. In final action, a council on metallic mining was established in DNR for one year.

In other action in the 1997-8 session, the League lobbied the DNR successfully against the rule NR1.52, which would roll back standards for pollution laws to no stricter than federal laws.

ENERGY

In 1969, the four member states of the Lake Michigan Inter-League Group representing more than 100 local leagues in the Lake Michigan Basin studied the effects of power plants on water quality of Lake Michigan, principally

thermal and radioactive effects. The State Board approved the position in 1971.

During the 1970's through the early 1980's, the LWVUS conducted a comprehensive energy study. Most state Leagues, including Wisconsin, participated in that study and added their special interests. State energy positions were adopted during this period.

During 1975 the LWVWI successfully supported power plant siting legislation that would increase the ability of the Public Service Commission to regulate location of power plants and transmission lines through a ten-year advance planning timetable. Public participation as well as input from all levels of government was assured at each stage in the process. In the 1990s, the integrity of this process was challenged when utilities sought faster permitting for building eighteen (mostly natural gas) peaking plants than the plan allowed. With the national movement toward deregulation of utilities, the advance planning process was gradually phased out.

In 1977, the League supported legislation prohibiting construction of new nuclear power generating plants until means of disposal of radioactive waste could be improved, but legislation was not adopted until 1984.

The League also supported several energy conservation bills. In the 1980's laws were passed that required electronic ignition devices on all gas appliances, the use of water conserving plumbing fixtures, and appliance energy efficiency standards.

The purpose of the 2005-2007 Electric Energy Policy Study was to rebuild the LWVWI energy information base, inform our members and through them our communities, to update and expand existing positions so they address current issues, and to develop an aggressive advocacy agenda based on the new positions adopted by the 2007 Convention. The positions include those on global warming and their implication for energy policy, strategies for clean electricity, electric energy planning, and regulation of utilities.

During the study period, LWVWI used existing positions to support legislation based on the Governor's Task Force on Energy Efficiencies and Renewables, twice opposed legislation to repeal the moratorium on construction of new nuclear power plants, opposed legislation that permitted seizure of public lands under the laws of eminent domain, and began support for the and Wisconsin Safe Climate Act of 2007.

AIR

Beginning in 1978, League worked for the establishment of a vehicle inspection and maintenance (I&M) program in counties with excessive automobile-caused air pollution. When it was established in southeastern Wisconsin, League helped in promoting citizen compliance.

In 1984, Leagues concurred that the Air position could be used to support regulation of smoking in public indoor areas. The Clean Indoor Air Act was passed that same year, although the governor vetoed the penalties and enforcement provisions. League worked for several sessions before successful passage in 1989 of provisions for enforcement, penalties and expansion to private sector offices.

League also supported DNR's adoption of sulfur dioxide standards for major air pollution sources, and in the absence of federal action, supported adoption of the 1983 and 1985 Wisconsin Acid Rain Acts to reduce sulfur dioxide emissions to 50% of the 1980 levels by 1993 and to study cost effective means of reducing nitrous oxide emissions.

Also due to federal inaction, the League supported DNR's adoption of air-borne toxins regulations to protect public health and the environment. In 1988 League joined three environmental groups as intervener to support the rules when major industries, trade associations and the Wisconsin Hospital Association challenged them in court. The rules were upheld by the Wisconsin Supreme Court, in 1990.

League supported the successful adoption of recycling of CFC's (chlorofluorocarbons) in

refrigerators and gradual replacement with a gas that does not contribute to ozone depletion and global warming.

LAND

Planning

In 1965 the LWVWI study of agencies, policies and programs of Wisconsin's natural resources with particular emphasis on pollution control and recreation considered also problems of water quality, air pollution, agriculture, wildlife and recreation as they relate to conservation of our natural resources.

The League has consistently supported major state funding, usually bonding, for land acquisition and development for parks, wildlife habitat and natural areas preservation as well as construction of municipal sewage treatment facilities. League actively supported the 1967 Outdoor Recreation Program (ORAP), renewal of ORAP 2000 goals and funding through the year 2000. League supported bonding parks rehabilitation which was enacted into law in 1988. League supported the successful passage of the Stewardship Program which reestablished a long term bonding effort (\$25 million for each of 10 years) for parks, wildlife habitat, stream bank and urban green space acquisition. In addition, the League supported efforts that eventually created in 1989 the Lower Wisconsin State Riverway to protect the free-flowing recreational river from Prairie du Sac to the Mississippi River.

In 1975 LWVWI examined land use planning and controls, and their effect on housing and the economy, considering taxation policy as it relates to land use; and investigating the role and functions of state, local and regional government in land use planning. Particular concerns were the preservation of agricultural land, the uses of land in urban areas, problems caused by transportation policies and the place of regional planning commissions in decision-making.

A farmland preservation bill was signed into law as part of the 1977 budget bill. The purpose is to keep agricultural land as farmland by giving farmers tax benefits rather than requiring them

to pay property tax on the speculative value of their land.

League supported additional demonstration funds for the Department of Agriculture, Trade and Consumer Protection (DATCP) Sustainable Agriculture Program in 1988 and in 1990 joined a very broad coalition of farmer, rural development and environmental groups in successfully providing new funding for sustainable agriculture research. The League participated in the DATCP review of food safety programs which recommended a 1991-93 budget initiative.

In 1987 a state budget initiative to consolidate the DNR and DATCP non-point source pollution programs was successfully resisted by the League and others. The League argued for improved agency coordination but maintaining DNR as the lead water quality agency in the state.

In the 1997-8 session, the League lobbied for a Legislative Council proposal for a state agency to develop an inventory of land resources, designating those to be protected from development, and to create standards for the development, implementation, enforcement and oversight of county and regional land use plans and ensuring coordination and cooperation. The plan was adopted.

A plan for the development of "brownfields," urban land that has been polluted, was supported by the League, with caveats for more public involvement and protection of public health and safety. The plan is being implemented, but is in the process of being modified to provide more assistance to municipalities and to deal with issues of liability.

Mining

After the discovery of large copper and zinc lodes in northern Wisconsin, the League became concerned that the mining laws needed updating to protect the environment against damages from mining operations. Bills were passed in 1978 requiring companies to be bonded to insure compliance with DNR reclamation requirements. They also provided for protection of the environment in mineral exploration along

with setting standards for reclamation of the land and protection for the public interest and communities affected by mining. Other provisions established rules for the use of water in mining operations.

As early as 1983, Exxon began to seek a permit to operate a mine at Crandon. Although it was dropped temporarily, the permitting process was renewed in the middle of the '90's by what has become the Nicolet Mining Co. Because of the severe threats to the environment, League joined with other environmental groups in 1997 to obtain passage of a mining moratorium, which would prohibit any new mines in the state until the mining company could show a history, of a similar type mine in another place, of successful pollution free mining operations and mine closing for at least ten years. The bill was passed and signed by the governor.

Also, in the 1997-8 session, League supported a bill which did not pass, which required mining companies seeking a permit to develop a mine to submit full records of their operations.

Wetlands

In 1978 the League was active in gaining the authorization for DNR to map all state wetlands over 5 acres and, in 1982, shoreline zoning regulation was extended to protect wetlands within incorporated areas. The League continued to work with other groups and Public Intervener to petition DNR to aggressively use its existing state powers and to make greater use of its state water quality review under Section 401 of the Clean Water Act to protect wetlands. Local Leagues have worked for the adoption of strong county and municipal ordinances to protect wetlands and other locally important environmental corridors and natural areas.

In 1986 LWVWI and LWV-Door County filed an amicus curiae brief in circuit court in support of state authority to adopt wetlands zoning if a county refuses to meet state minimum standards. The court upheld the law. In 1987 a challenge to the precedent setting 1972 Department of Justice vs. Marinette County decision by the Supreme Court reaffirmed that wetlands zoning was not a taking (if government regulation goes too far, the government must fairly compensate the

property owner) and that future challenges should be addressed to counties, not towns.

In the fall of 1990, DNR held public hearings on water quality standards for wetlands. Rules and legislation protecting wetlands were adopted and implemented. League helped successfully to defend the rules against an attack during a 5 year review.

In 1990 League supported unsuccessful legislation to repeal the 1840's law which exempts cranberry bogs from environmental regulation relating to dams, drains and ditches.

The 1990's have been dominated by an attempt to pass a "takings" bill, which would require that property owners be compensated for the effect of state environmental regulations of their property or profit. The result would be the state paying the polluter not to pollute. The League has lobbied hard against these bills, at both the federal and state levels, because regulation is necessary to protect water, air, zoning restrictions, etc., because the cost would be prohibitive and because the courts would be overloaded.

A bill allowing development of wetlands if there were compensatory mitigation was successfully opposed because it weakens the DNR's authority to protect wetlands.

SOLID WASTE MANAGEMENT

Action on solid and hazardous waste has been taken under both national and state positions.

Solid and Hazardous Waste

In 1973 the League supported measures that established a state solid waste reclamation authority empowered to take all wastes collected locally, separate and process them, sell the valuable materials and dispose of the rest. The Wisconsin Solid Waste Recycling Authority became a reality in 1974, but was repealed in 1983 due to a lack of progress.

For many unsuccessful years the League supported a mandatory deposit on all beer and soft drink containers in order to reduce solid waste disposal costs as well as resource and energy use. However, recycling bills were enacted on a state solid waste hierarchy

paralleling League positions. In 1990 a comprehensive recycling bill was passed. Leagues throughout the state lobbied for bill passage and were involved in implementation of the municipal recycling grants in order to achieve the 1995 landfill bans on 14 items. In 1998, League urged the legislature to continue to keep the tax on business that provides the recycling grants. The tax was extended until 2000, leaving the issue to the 1999-2000 legislature.

One of the most significant bills supported by the League in coalition with other groups in 1977 was a measure to establish a comprehensive solid and hazardous waste management program under the direction of the DNR. The measure included a "cradle to grave" approach to sites as well as long-term care requirements and spill management. The law was not implemented until the U.S. Environmental Protection Agency finalized federal regulations in 1981. Leagues were able to provide public education when national hazardous waste tragedies raised public awareness on this issue.

League encouraged the Legislature to maintain state delegation of solid and hazardous waste permitting programs by promptly adopting the new standards and regulations in the federal Hazardous and Solid Waste Act of 1984 related to leaking above and underground storage tanks. League has supported increased tipping fees to pay for program administration and cleanup contingency funds in the Environmental Repair Fund. The 1987-88 and 1989-90 state budgets included authority and funding for Safe Drinking Water 2000, and clean up of the 40 worst abandoned waste sites in the state. League supported funding in subsequent budgets, but the clean up has never been fully implemented.

League supported state adoption of a program, parallel to the federal Title III Emergency Planning and Community Right To Know Program, which authorized fees to fund state and county staff and necessary response equipment and extending reporting requirements to public facilities and private laboratories storing extremely hazardous chemicals. League supported a 1990 law which establishes a Toxic

Waste Minimization Program of technical assistance and cost-shared process audits as a first step toward implementing a zero-discharge on toxic substances policy.

League was successful in winning restrictions to NR 718 in 1996, allowing the land spreading of organic chemicals (petroleum contaminated soils). The restrictions incorporate notice to neighbors and the community and establish setback requirements to meet odor, public health and property value concerns.

Action in 1997-8 was support of the expansion of areas considered affected by hazardous waste disposal site to ½ mile, providing greater opportunity for citizen input.

Low Level Radioactive Waste

The Low Level Radioactive waste position was developed as events were unfolding in the compacting of Midwestern states. To accommodate different state perspectives, national League was asked by the Midwestern and Northeastern Leagues to develop additional procedural guidelines for taking positions on LLRW (see Impact on Issues, LWVUS).

In reaching the state position on LLRW, members believed reduction in costs should not take priority over, or affect the safety of, the disposal procedures chosen. Members are more concerned by the cost to the taxpayer than to the generator or the consumer.

In 1983 the League testified in favor of Wisconsin adopting the Midwest Compact. In 1986 we testified in support of the LLRW Regional Management Plan and the method for selecting a host state. League continued to work with other Midwest state Leagues to monitor the Compact Commission meetings and the development of a LLRW facility in Michigan. The Compact dissolved in 1998. However, pollution protection and source reduction measures have reduced the need for treatment and isolation of low-level radioactive wastes.

WATER

In 1959, League adopted the first state positions following a study of water resources in Wisconsin, with emphasis centered on problems

of water use, administration of water resources, and particularly the division of responsibility among state agencies in management of the resource.

Between 1959 and 1966, League supported a bill calling for a permit system for high-capacity wells and measures aimed at applying the same rules of justice to the administration of ground and surface water. These were strongly opposed by agricultural interests. In 1985 the legislature adopted the Water Resources Conservation Act, supported by League, as a part of the Great Lakes states strategy to conserve water and resist major water transfers out of the Great Lakes basin. League was involved in developing administrative rules and a state water quantity plan.

In 1982-83 League and other environmental groups greatly influenced a major bill protecting groundwater, getting many unacceptable provisions changed. It was passed in 1984 with an unacceptable transfer of authority for animal wastes from DNR to the Department of Agriculture, Trade and Consumer Protection. League worked to get the governor's veto of this provision and to sustain the veto in a special veto session. Local Leagues conducted updates on local groundwater conditions during the legislative struggle. League continues to monitor the many state agencies with groundwater standard setting, rule making and research responsibilities in implementing the law.

A bill banning the use of phosphates in detergents was supported by the League and passed in 1977. The law was allowed to lapse in 1983. Despite heavy industry lobbying, League and other environmental groups convinced the legislature to adopt a permanent ban on high-phosphate detergents effective in 1984.

Several bills regarding septic tanks were an issue in the 1977-78 session. One bill, requiring building permits for new septic systems, was supported by the League and passed. The League opposed another bill which would have greatly expanded the number of allowable experimental systems. A very modified version was included in the budget review bill. In 1976 the League again supported the transfer of septic

system regulation from the Department of Health and Social Services to the DNR. This proposal failed. The program was subsequently moved to the Department of Industry, Labor and Human Relations. League participated in the environmental review of experimental septic systems, mounds, and has opposed their unrestricted use under land use positions. While holding tanks will continue to be regulated, mound system control lapsed to the counties in mid 1987.

League was active in state implementation of the federally mandated Safe Drinking water amendments of 1986 and 1996 to clean up Wisconsin's waters sufficiently to reach the federally mandated "swimmable, fishable waters" standard. A program of grants was established to provide money for clean up, but the grant program evolved into a revolving loan fund.

In 2003 a state League committee updated the position on water to address revenue sources. Although a few dedicated revenue sources for water quality programs existed in 2003, the committee deemed them insufficient. A dedicated source of funds, either new or reallocated, should be combined with General Purpose Revenues to meet Wisconsin's needs for the management of its water resources.

PESTICIDES

In 1969, the Lake Michigan Inter-League Group (LMILG) decided to work under the national Water Resources position for agreement on the use of persistent pesticides. Again, local Leagues throughout Wisconsin participated so the agreement has statewide use. During the late 1970's, pesticide pollution of groundwater became evident in the Central Sands area and there were increasingly widespread instances of groundwater pollution from landfills and other land uses.

LMILG updated the position in 1990. This position and the new Agriculture position have increased League involvement in local and state debate on pesticide regulation and alternatives to chemicals in agriculture, urban and home use. Action has included education projects and

efforts by local Leagues to get pesticide ordinances passed.

In 1992 League supported a bill passed, requiring disclosure of information on pesticide impacts and hazards to employees of landscape services, customers and the community. In 1997, we opposed weakening the rules governing use of pesticides near schools, day care centers and playgrounds. The change would eliminate posting warning signs on public roads, and change the date of pre-notification, limiting citizens' right to know.

TRANSPORTATION

Action by the LWVWI in the area of transportation has been taken under the national League position as well as the state Land Use and other Natural Resource positions, and Social Policy positions under Meeting Basic Human Needs, Equal Rights and Urban Policy positions. The League supported the repeal of the internal improvement clause of the Wisconsin Constitution as it applies to transportation facilities. Repeal would have allowed state expenditure for capital equipment which could aid in the rejuvenation of the state rail system and mass transit. The measure was defeated in two referenda.

A special session of the legislature in 1975 considered a wide-ranging transportation proposal, including a revised road aids formula, mass transit funds, money for state highways and bridges, plans for the reorganization of the Department of Transportation and the establishment of county transportation commissions. The League supported the proposal but the legislature did not!

In the 1977 budget, the League supported provisions which made allocations to mass transit and supported repair of highways. However, in the 1978 budget review bill, the League opposed an increase in allocations for highways with no increase in mass transit funds, in spite of a shortfall in urban transit systems in two years. The League did support an allocation to purchase railroad track.

Transportation was one of the most controversial items in the 1979 budget. Because of decreased

revenue from the gasoline tax, the governor requested general purpose funds for new highway construction. The League supported maintenance of existing highways and increased funding for mass transit. In a compromise bill the need to increase revenues from the gasoline tax was not addressed. Through clever use of the line item veto power, the governor in 1987 authorized two separate increases in the gasoline tax. It was also indexed to provide more stable revenue by tying increases in the tax to decreases in gasoline sales.

In 1994, League protested the canceling of Amtrak services from Milwaukee to Chicago and urged increased funding from national and state governments. This action was based on Social Policy, Natural Resources and Urban Policy positions. We also supported the establishment of the bicycle as a vehicle that year.

The transportation budget of 1995 was separated from the whole budget. League worked for equal access to and adequate funding for mass transit, maintenance of present roads and highways, but no new or expanded ones. The budget process of 1995 was condemned by League for the proposal of a "Super Amendment" which was the result of secret negotiations by the Joint Committee on Finance and the Assembly caucus. Included in the amendment during closed sessions were funding for mass transit, aids to counties and municipalities, aids for local road improvement and bridge and freight rail programs.
