

We use the power of the law to support grassroots groups working for environmental justice in the Western Great Lakes region



Kim Wright, Executive Director
Tressie Kamp, Staff Attorney



"The waters of Wisconsin belong to us, the people of Wisconsin.

The state holds them in trust solely for our benefit. It is the State Legislature's obligation to act as trustee to preserve and improve the quality of our waters. The Department of Natural Resources has been delegated important responsibilities for implementing this obligation.

Underlying every action of the Legislature and the DNR is the fundamental fact that they act, not as owners, but as trustees for the true owners: we the people."

-Arlen Christenson



CITIZEN
VOICES
MATTER

Now more than ever!

Enforcing the law
is **not** optional

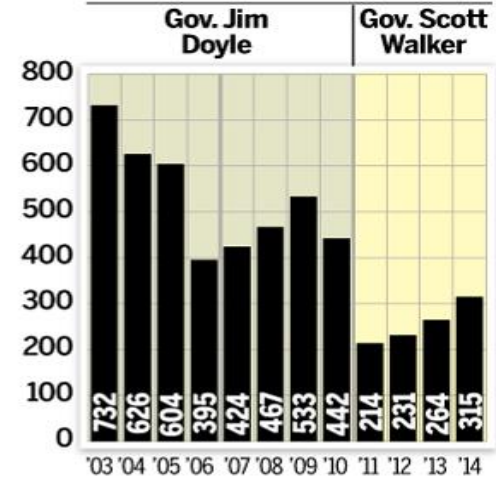
We need science,
not politics, to
manage our natural
heritage and
maintain a
meaningful water
pollution permitting
program

Milwaukee Journal Sentinel
Lee Berquist 3-27-2015

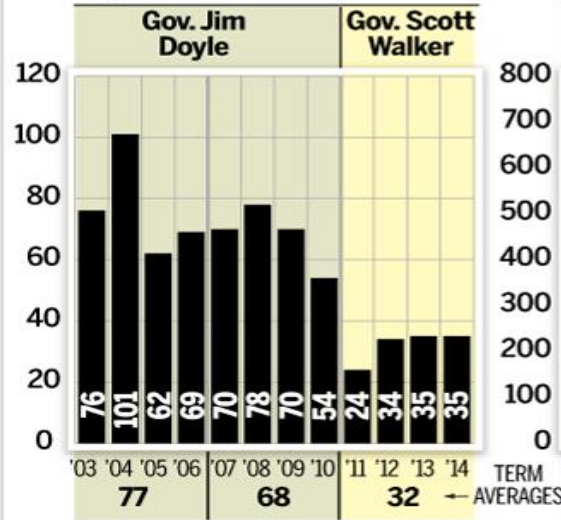
Enforcement activity down

Environmental violation enforcement begins with a case started by the Wisconsin Department of Natural Resources. In many instances, the DNR issues a notice that an environmental law has been violated. In serious cases, the matter is referred to the Justice Department.

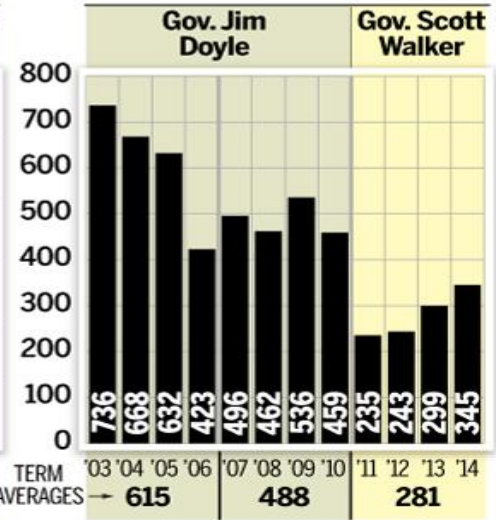
Cases accepted by DNR



Yearly referrals to the Department of Justice



Yearly notices of violations



Source: Wisconsin Department of Natural Resources

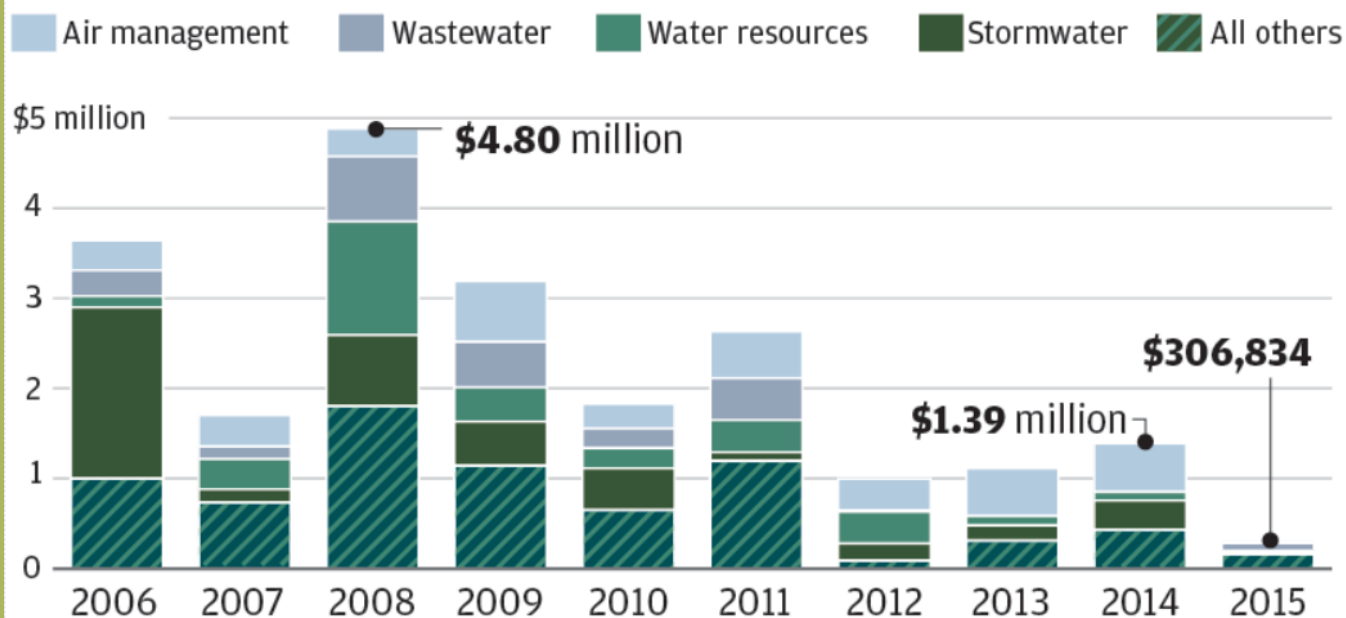
Journal Sentinel

Fines for pollution fell to 30-year low in 2015

STEVEN VERBURG sverburg@madison.com, 608-252-6118 May 19, 2016 15

Penalties for environmental violations

Fines ordered after enforcement action was taken by the Wisconsin Department of Justice have been on a downward trend for most of the last decade, according to state Department of Natural Resources data released by a conservation group.



SOURCE: DNR and Wisconsin Wildlife Federation

State Journal

WI Wildlife Federation's George Meyer released the following information on May 18, 2016

ENVIRONMENTAL PENALTIES down 86% over 10 year average

- 2015 \$306,834 compared to 10 year average of \$2,167,401
- **2015 Animal waste violation penalties down 90%**
- 2015 Waterway alteration & wetland violation down 91%
- **2015 Hazardous waste violation penalties down 100%!!!!**
- 2015 Wastewater violation penalties down 97%
- **2015 Public & Private water supply violation penalties down 90%**
- 2015 Stormwater violation penalties down 67%

Meyer, former DNR secretary of 8 years “doesn’t buy that environmental violations have dropped 78% since 2014.”

DAIRY EXPANSION PERMIT

'THIS IS ABOUT PROTECTING WATER AND PUBLIC HEALTH'

Kewaunee County DNR permit hearing underway in Green Bay



Judge blames toxic Kewaunee County wells on 'massive regulatory failure'

After more than 4 years of expensive litigation, citizens prevailed in requiring the CAFO to monitor groundwater and to put a cap on the number of animals allowed under the permit.

The victory resulted in numerous appeals fueled by industrial ag special interests and when they were unsuccessful, DNR's Cathy Stepp rewrote history when she decided to ignore the ruling she agreed with a year earlier

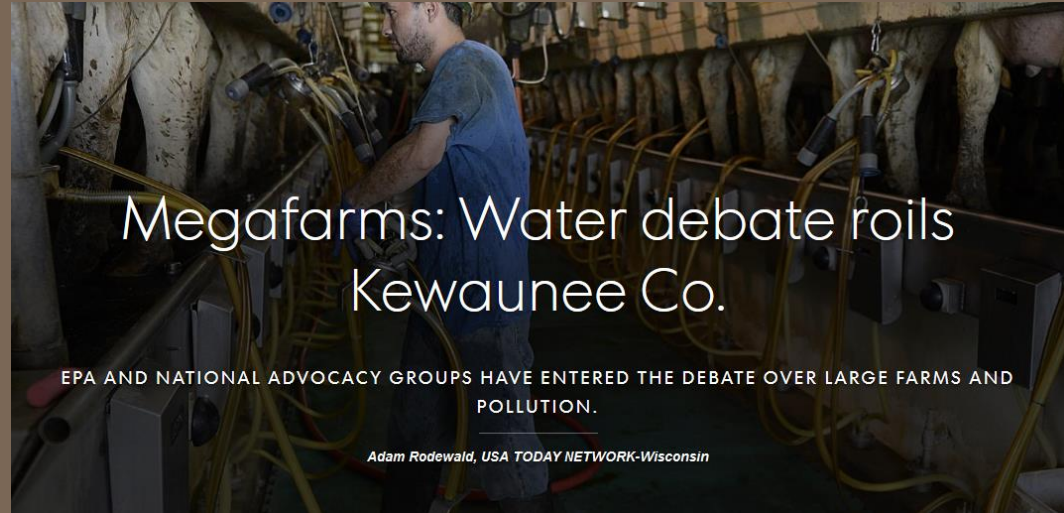




Bacteria in Wisconsin's Drinking Water is a 'Public Health Crisis'

By RON SEELY & WISCONSIN CENTER FOR INVESTIGATIVE JOURNALISM • MAY 1, 2016

MEA has been providing legal services to citizens in Kewaunee County for more than a decade and each win is followed by back room deals with industry



STATE POLITICS

One-third of wells in Kewaunee County unsafe for drinking water

JSONLINE.COM
MILWAUKEE • WISCONSIN
JOURNAL SENTINEL
PULITZER PRIZE WINNER 2008 • 2010 • 2011
PART OF THE USA TODAY NETWORK

Tokyo, Japan
Population=37.6 Million



Mexico City, Mexico
Population=21 Million



WI=5.7 Million People 1 Cow= Waste of 18 People

WI=5.7 Million Cattle, Calves & Dairy

5.7 Million Cows create the Waste of **100,800,000** People

OPINION | EDITORIAL | GROUNDWATER PROTECTION

Attorney General Brad Schimel is wrong on high-capacity wells decision



May 13, 2016
Editorial

Wisconsin Attorney General Brad Schimel erred in his recent decision involving high-capacity wells. Credit: Michael Sears

2001 Wisconsin Act 21

SECTION 1R. 227.10 (2m) of the statutes is created to read:

227.10 (2m) No agency may implement or enforce any standard, requirement, or threshold, including as a term or condition of any license issued by the agency, unless that standard, requirement, or threshold is explicitly required or explicitly permitted by statute or by a rule that has been promulgated in accordance with this subchapter. The governor, by executive order, may prescribe guidelines to ensure that rules are promulgated in compliance with this subchapter.



Citizens have significant rights within the Clean Water Act to address pollution when their government can't or won't



October 20, 2015
Petition of Corrective
Action
Filed with EPA on behalf
of 16 Wisconsin citizens

Clean Water Act, The Process

Set Water Quality Standards



Assess Water Quality



Issue Discharge Permits



Enforce Permit Limits

In 1972, Congress declared:

It is the national goal that the discharge of pollutants into navigable waters be eliminated by 1985.

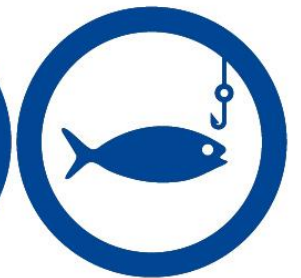
— Clean Water Act, Section 1251(a)(1).



swim



drink



fish

Clean Water Act



- Regulates point source discharges of pollutants to waters of the US
- Point source definition includes CAFOs

Federal-State partnership

- Most states have primary authority
- EPA oversight
 - Permit review, commentary, veto
 - Petition for Corrective Action

Clean Water Act: regulatory gaps

Production area vs. spreading fields

Surface vs. ground water



Milwaukee Water Commons
& Overpass Light Brigade

WPDES Program



‘Above & beyond’ the Clean Water Act

- Regulates groundwater quality
- Regulates intra-state non-navigable waters

PCA '101'

PCA broadly includes two types of claims

- DNR doesn't have the authority that it needs to issue water pollution permits in compliance with the Clean Water Act
- DNR doesn't operate their permitting program in compliance with the Clean Water Act

Wisconsin passed the first numeric criteria to reduce phosphorus pollution in the nation in 2010



PCA '101'

Why file a Petition for Corrective Action?

Skewed priorities, loss of resources and autonomy may allow Wisconsin's water quality to backslide to pre-Clean Water Act conditions.

Wisconsin River Before Clean Water Act Protections were Enacted



Wisconsin River after Clean Water Act Protections



DAIRY EXPANSION PERMIT

'THIS IS ABOUT PROTECTING WATER AND PUBLIC HEALTH'

Kewaunee County DNR permit hearing underway in Green B



The Petition supplements specific permit challenges that take significant energy, money, bravery, and other resources from citizens, including Petitioners.

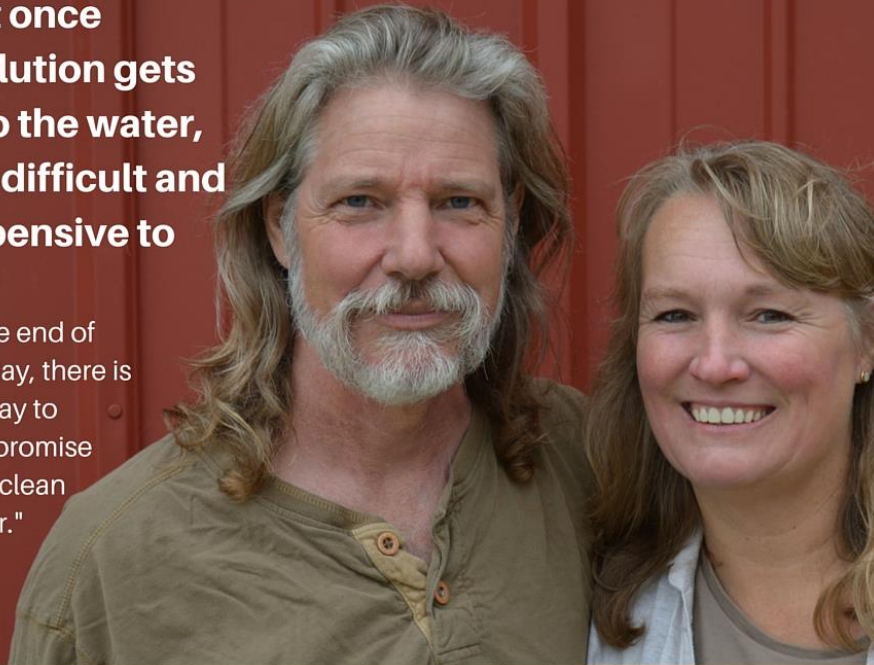
DNR has not prioritized the resolution of 75 questions and problems that EPA voiced in 2011.

Some of these deficiencies with the water permitting program pre-date the EPA's 2011 notice.

"We are glad we're being heard by the Wisconsin DNR,

But once pollution gets into the water, it's difficult and expensive to fix.

At the end of the day, there is no way to compromise over clean water."



This timeline doesn't pass muster when you look at deadlines in the Clean Water Act.

Wisconsin's PCA is unique for this reason.

midwestadvocates.org/pca

#WIWaterChamp

Lynn & Nancy Utesch, Kewaunee CARES



"The Wisconsin DNR can't keep approving pollution permits without looking out for our water."

- Dean Hoegger
Clean Water Action
Council of Northeast Wisconsin



Midwest Advocates @MidwestAdvocate · Jan 22

Meet Dean Hoegger. Read why he signed the Petition for Corrective Action to the @EPA. He's a true #WIWaterChamp.

Reply icon Retweet icon 3 Like icon 3 More icon



"The EPA must get involved in Wisconsin

if we will ever get our healthy, swimmable lakes back."

- Jim Swanson

Jim Swanson has worked for years to solve the horrible algal blooms on Tainter and Menomin Lakes, a problem increased when DNR issues permits that don't take downstream waters into account



"Citizens can't make more progress on our own.
We need a DNR that's willing to take the Clean Water Act seriously."

Dave Marshall, a retired DNR aquatic biologist has maintained critical data collection on rare species habitat in the Wisconsin River with his own resources knowing DNR management would not continue the decades-long project

"If the DNR can't make meaningful public participation a priority, the EPA needs to help put Wisconsin back on track."



midwestadvocates.org/pca

[#WIWaterChamp](https://twitter.com/WIWaterChamp)

"I'm not a scientist. I'm not a lawyer.
I just know it's important to
protect the water.

Clean water is a human right."

- April



April Stone-Dahl, a member of the Bad River Band of Lake Superior Ojibwe was unable to share traditional skills with participants in an annual traditional culture conference because of pollution in Lake Superior



The Wolf River in central Wisconsin.

Randen Pederson (CC-BY)

Former DNR Employees Say State Needs To Better Police Water Quality

Group Sends Letter To EPA, Asking That They Make DNR Improve Enforcement Of Clean Water Act

Monday, December 7, 2015, 7:30pm

By Bridgit Bowden

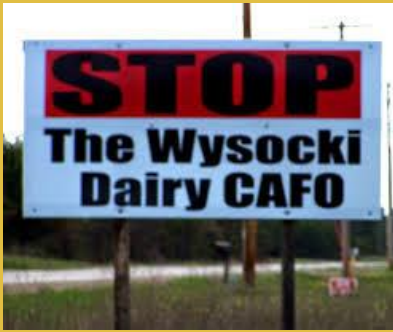
SHARE     

What can I do?

Support
the
EPA
Petition

Remain confident that Wisconsinites care about clean water. Momentum and knowledge make this a key moment for our State's water resources.





Water
advocacy in
every corner of
Wisconsin



Regional watchdogs are key to addressing today's challenges

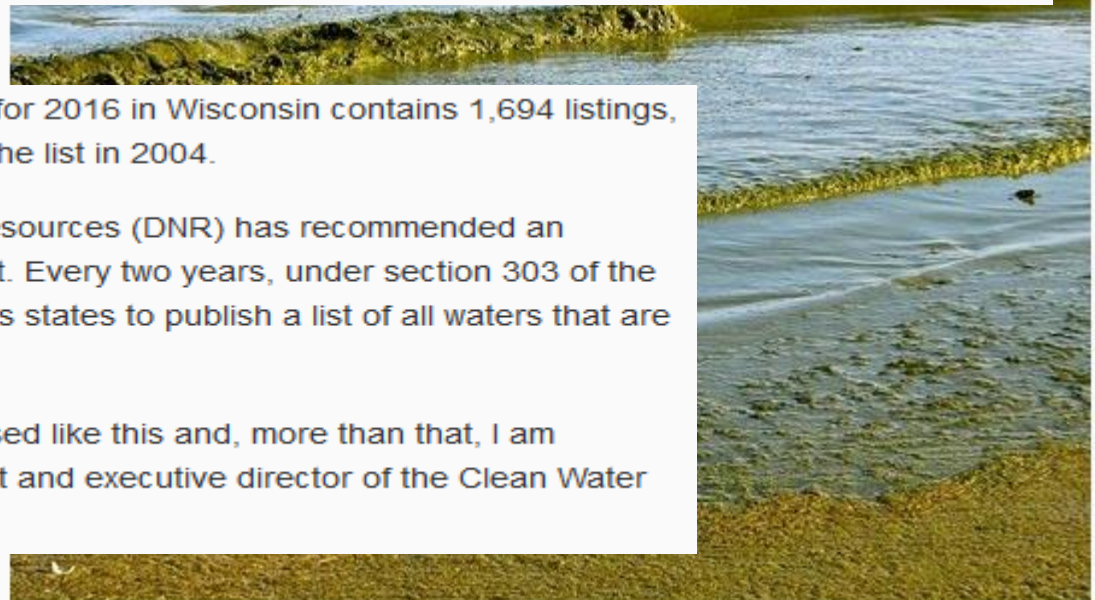
Number of polluted waters in state, counties continue to rise

Karen Ebert Yancey, USA TODAY NETWORK-Wisconsin 3:04 p.m. CST February 24, 2016

The proposed EPA Impaired Waters List for 2016 in Wisconsin contains 1,694 listings, more than double the 761 approved for the list in 2004.

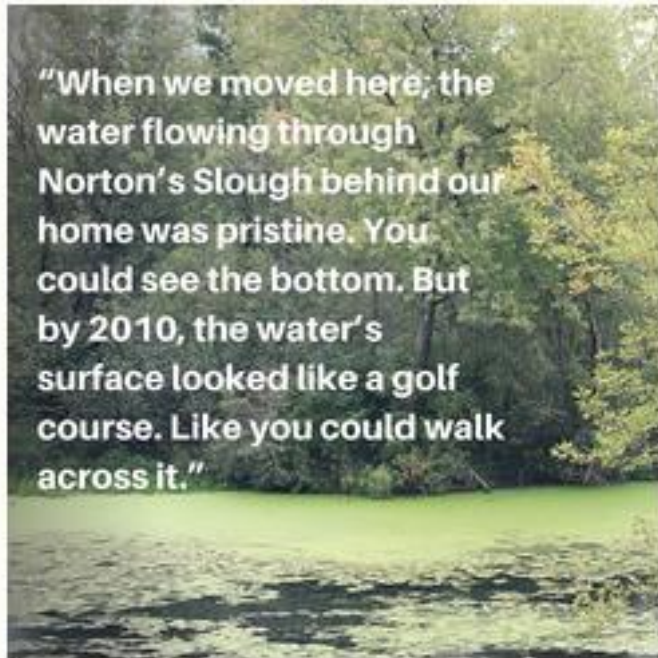
The Wisconsin Department of Natural Resources (DNR) has recommended an additional 209 waterways for the 2016 list. Every two years, under section 303 of the federal Clean Water Act, the EPA requires states to publish a list of all waters that are not meeting water quality standards.

"I was astonished that the list has increased like this and, more than that, I am dismayed," said Dean Hoegger, president and executive director of the Clean Water Action Council of Northeast Wisconsin.



Green algae rolls onto Algoma's Crescent Beach. The Ahnapee River, which was listed for excess phosphorus in 2014 flows into Lake Michigan just north of the beach. (Photo: Submitted)

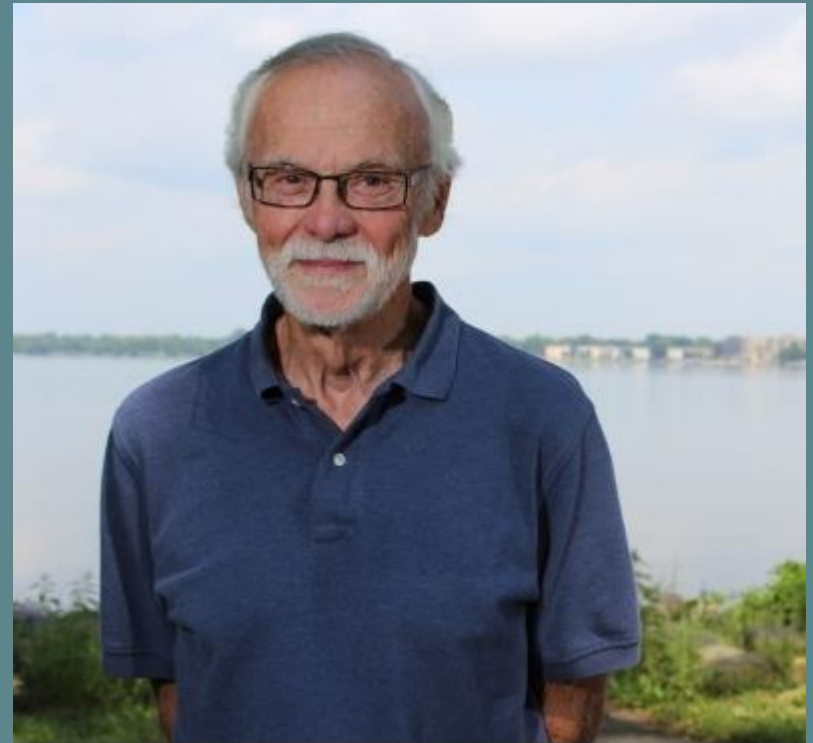
Regional watchdogs will change the conversation: Use a lens of property values, tourism, and other economic impacts



Over the
practice
Neighb
landspr
in Sprin
farmers
fields fo
the gro

With th
water, t
sloughs
Jones' h
with nu
invasive

is mucky, green, polluted water. But the Jones' water con
problem with nitrates.



Water groups & other regional watchdogs push the court of public opinion

GALLUP' [Topics](#) ▾ [Client Services](#) ▾ [Online Products](#) ▾

MARCH 25, 2009 [PRINT](#) [SHARE](#)

Water Pollution Americans' Top Green Concern

by Lydia Saad

Worry about environmental problems has edged up since 2004

PRINCETON, NJ -- The folks behind World Water Day -- a largely U.N.-sponsored effort to focus attention on freshwater resource management, observed this past Sunday -- may be on to something. Pollution of drinking water is Americans' No. 1 environmental concern, with 59% saying they worry "a great deal" about the issue. That exceeds the 45% worried about air pollution, the 42% worried about the loss of tropical rain forests, and lower levels worried about extinction of species and global warming.





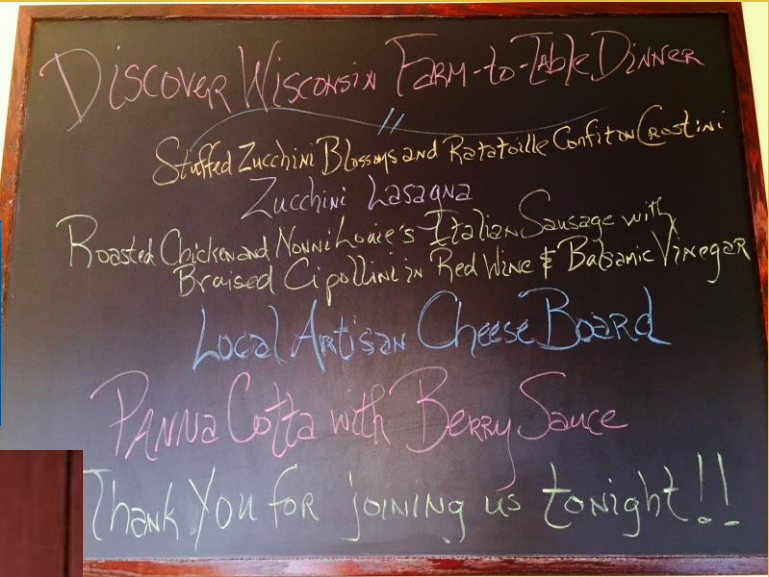
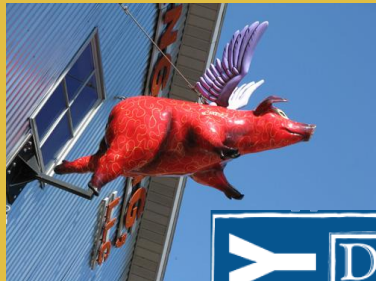
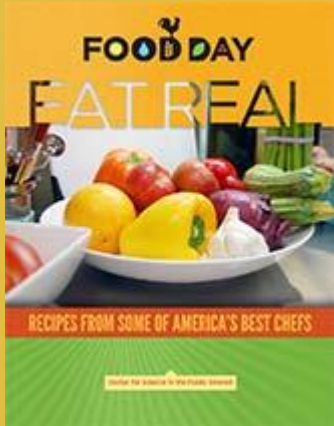
**New Poll Finds 95% of Americans Want Public Officials
to Invest in Water Systems, 60% Are Willing to Pay
More for Secure Water Service**

*Americans believe that modernizing water systems should be a
priority to ensure safe and reliable water and wastewater service*

February 24, 2016 - Washington, DC -

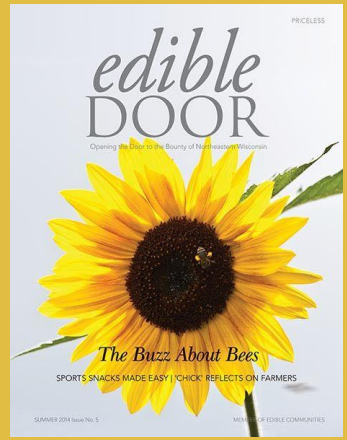
Today, the Value of Water Coalition released the results of a new national poll on public attitudes and concerns about water. The poll found that Americans are deeply concerned with the state of water infrastructure that we all rely on.

Respondents were evenly split (47 percent/47 percent), initially, with their willingness to personally spend more on their water bills for increased investment in water systems. Once poll respondents received additional information about water issues, 60 percent of Americans are in favor of paying more to invest in water infrastructure-an increase of 13 percent.



Wisconsin Local Food Network Presents
ACCESS TO FRESH, NUTRITIOUS
FOOD FOR ALL
 Collaborating to Develop and Support a Community Food System

A Conversation with
David Lee of **FEEDING WISCONSIN** and **OUTPOST NATURAL FOODS**
Thursday October 29th, 6pm
 J Michael Kohler Arts Center, Sheboygan
 Reservations at: www.brownpapertickets.com (verify)
 Limited seating, suggested donation \$5-\$15 at the door.
 Wisconsin Local Food Network <https://wiscalfood.wordpress.com/>



What can I do? Some water group contributions to date:

Support
the
EPA
Petition

- Write a letter of PCA support to the EPA or DNR (COLA, BWBC)
- Host a water-based training (RAW, COLA)
- Keep clean water (and the PCA) at the forefront of discussions with legislators, etc. (LCV listening sessions)
- Publications to educate and support the PCA (RRC)

<http://midwestadvocates.org/news-events/news/what-you-can-do-to-support-the-protection-of-clean-water-and-the-petition-for-corrective-action/>



What can I do?

Help others understand we can't have clean water without effective government with resources and professional autonomy

Let officials at every level of government know you care about clean, abundant water and expect them to

Host a water documentary at your library or social club

Letters to the Editor, Newsletter stories, Social media, call-in radio

Hold in-district meetings for state electeds and candidates to talk about their commitment to clean water, hold them accountable

The **entire** state assembly and all **even numbered** senate seats are up for re-election

Make Water an Issue

- Will you promise to repeal 227.10(2m) to restore the legal authority of our DNR to manage our water with sound science?
- **Will you protect the quantity and quality of our groundwater for future generations?**
- Will you pass needed legislation to fix Wisconsin's Clean Water Act failings?
- **Will you prioritize clean, abundant water over special interest politics?**
- Will you restore citizen rights and open government?

“The most
common way
people give
up their
power
is by thinking
they don't
have any.”

Alice Walker



AgingAbundantly.com

www.midwestadvocates.org
midwestadvocates.org/pca



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Thank You.