

Air, Waste and Water Study Committee  
Meade Wildlife Area Visitor Center  
S2148 County Highway S, Milladore, Wisconsin  
August 27, 2011

Meeting was called to order by Ed Harvey at 9:00 am

**Roll Call**

**Present:** Ed Harvey, Andrew Limmer, Dale Chrisler, Ronald Vander Loop, Ronald Fassbender, Roger Reas, Gene Reineking

**Excused:** Marc Schultz, Nick Schertz

**Absent:** Eric Wojchik, Marty Grosse, Ken Balistrieri

**DNR Present:** Tom Krsnich

**Committee Mission Statement:**

The mission of the Air, Waste and Water Study Committee of the Wisconsin Conservation Congress is to review properly noticed citizen resolutions, rules, policies, regulations, and legislation affecting the air, land and waters of the state of Wisconsin. Utilizing the best available knowledge, technical resources and citizen input, the Committee will study and discuss issues, with the intent to develop clear and actionable positions on those issues. The Committee will then advise and recommend a course of action to the Executive Committee and Executive Council of the Congress.

Read by Ed Harvey, no changes to be made

**Public Comments:** None

**Department Updates:** Ed Harvey read Governor Walker's letter to Chairman Bohmann and letter from Chairman Bohmann to Congress

**Citizen Resolutions**

**130311- Phase-Out Felt Sole Wading Products**

Dan Moyer, the author, addressed the Committee stating the felt sole waders have become a primary transportation device for invasive species (notably algae and small snail species) due to the hardness of effectively cleaning the felt sole. He noted that many states have brought up legislation for this, 3 states have band or are planning to band felt soles this year (Alaska, Vermont, Maryland). Also noted that a number of manufactures have begun to phase out felt sole or already have stopped sales on them. Also, noted the regulation (NR-40) already is in place for the illegal transport of invasive species but public education of felt sole waders as a transport device is low.

Tom Krsnich stated the department at this time is pursuing the public education side of the matter by contacting vendors, manufacturers and public education venues.

Comments made to pursue the public education side of the issue including contacting frequent user groups, vendors and manufacturers

Motion to advance by Dale Chrisler  
Second by Ronald Vander Loop  
Motion Carried

#### **040611- Retain Phosphorus and Runoff Rule/Language Approved in 2010**

Committee determined to take no action because language for the bill has already been passed.

#### **040711- Retain Wisconsin Recycling Program**

Motion to advance by Roger Reas  
Second by Dale Chrisler  
Motion passed

#### **Consolidating Jurisdictions for Wetland, Erosion Control, and Storm Water Management Regulations**

Author: Ed Harvey

Currently, the state of Wisconsin, each of the 72 counties and many incorporated municipalities in Wisconsin have independent wetland protection rules. All or most local wetland ordinances are versions of a state model ordinance. Because of these overlapping jurisdictions it is often unclear, even within the agencies, who is responsible for a particular wetland. Applications often need to be made to both the state, each of the 72 counties and all incorporated municipalities and permits are often received from both.

To reduce the number of employees required, and to make the permitting process easier to understand for permit applicants, do you favor the transferring shore land and isolated wetland protection responsibilities to the State of Wisconsin?

Motion to advance by Andrew Limmer  
Second by Ron Fassbender  
Motion Carried

Author: Ed Harvey

Currently, the state, many counties and many municipalities within those counties in Wisconsin have independent storm water management rules. All or most county and local ordinances are versions of a state model ordinance. Because of these overlapping jurisdictions it is often unclear, even within the agencies, who is responsible for a particular construction site.

The reduce the number of employees required, and to make the permitting process earlier to understand for permit applicants, do you favor a consolidation of code administration responsibilities so that both the state and county codes are administered by the counties, with the state paying half of the necessary county employee's salary and costs, and with local municipalities have the option for county administration and enforcement?

Motion to advance by Andrew Limmer  
Second by Roger Reas  
Motion Carried

Author: Ed Harvey

Currently, the state, many counties and many municipalities within those counties in Wisconsin

have independent construction site erosion control rules. All or most county and local ordinances are versions of a state model ordinance. Because of these overlapping jurisdictions it is often unclear, even within the agencies, who is responsible for a particular construction site. Duplicate applications, and permits from both the state and the county are almost always required.

To reduce the number of employees required, and to make the permitting process easier to understand for permit applicants, do you favor a consolidation of code administration responsibilities so that both the state and county code are administered by the counties, with the state paying half of the necessary county employee's salary and costs, and with local municipalities having the option for county administration and enforcement?

Motion to advance by Roger Reas

Second by Gene Reineking

Motion Carried

### **Open Burning Citation Authority**

Author: Ed Harvey

The DNR currently does not have the authority to issue citations to individuals who are illegally open burning. Open burning is a violation of civil and criminal statutes. Enforcement and consequences of violation are often too complicated and severe to be practicable in all but the most egregious cases. However, the general public perception is that the DNR enforces those rules. Violations are therefore often reported to Conservation Wardens, or to other department officials. To simplify the complaint process, and to conform to the generally accepted public perception of government responsibilities, do you favor a statutory change establishing an appropriate forfeiture and granting citation authority for open burning violations to the Wisconsin DNR?

Motion to advance by Dale Chrisler

Second by Roger Reas

Motion Carried

### **Governor's Charge to the Congress for Regulation Simplification**

Covered in Department Updates by Ed Harvey

### **Members Matters**

Dale Chrisler noted that low attendance in his county meetings might be low due to county resolutions not being tallied the night of the Spring Hearing. Several citizens have commented to him that they would like to see the votes tallied the night of the meeting.

Roger Reas said they have increased attendance because people can come, vote and leave without necessarily having to participate in discussion on the resolutions.

Mr. Reas also noted his concern for iron mining in north Wisconsin dealing with run-off water and other contaminants as well as potential for open pit mining in Wisconsin and the issues the committee should be on the watch for.

Ron Fassbender also wanted to express his concern for the mining practices. Noted he is not against mining but the committee should be on top of the issue as new mining practices approach.

Ron Vander Loop mentioned his concern of drugs being disposed in toilets and making its way into the water. Brown County has begun a collection program which has reduced the contaminants in the water. Reas noted some local pharmacy's that will take old medication and dispose of it. Ed Harvey noted some police departments also take collections.

Gene Reineking noted the expanse of purple loosestrife and other invasive species that are now present throughout the state and the economics of selling invasive plants are often worth the risk for businesses and would like to see regulation for possessing these plants. Also would like to see regulation on cutting Oak wilt.

Meeting was moved to adjourn by Dale Chrisler at 11:55 am Seconded by Roger Reas