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River Protection

## Minding the Groundwater Store

Wisconsin has had strong laws in place to protect groundwater quality for many years. But until 2003, Wisconsin law did not recognize that groundwater supplies could in fact run out some day. The River Alliance and many conservation groups worked hard to get Act 310 on the books, but the authors and supporters alike agree that while this law intended to maintain groundwater supply is a good start, it is far from adequate to truly protect resources.

A Groundwater Advisory Committee was established to develop improvements to the law, and its recommendations are due at the end of this year. The committee debate centers around the usual, economic growth versus environmental protection argument: if limits are placed on water withdrawal in order to protect the resource, the argument goes, say goodbye to jobs and a healthy economy. With several committee members sticking to this position, it remains to be seen if meaningful improvements will be recommended.

So, what's wrong with the current law? For starters, there is no official recognition in state law that groundwater and surface waters are connected. The law says that if a "high capacity well," a well that pumps more than 100,000 gallons of groundwater per minute, is within 1200 feet of certain springs or especially high quality lakes or rivers, there must be an evaluation of whether the well would reduce water levels in the lake or river. Herein lie three big problems: what's magic about wells pumping over 100,000 gallons per minute or the 1200 feet distance from the waterbody, and why do just the highest quality waters matter?

As it turns out, there is no real scientific basis for the 100,000 gallon per minute threshold or for the 1200 feet distance limit. Depending upon the hydrology of the area and how deep the well, a much smaller well (or a handful of small wells in close proximity to each other) could have a tremendous impact on a nearby river. Likewise, wells much farther than 1200 feet from a waterway can have a greater impact than wells that are closer than 1200 feet. Of course we can't see how groundwater flows and where the connections to surface waters occur, but decades of research have provided models to accurately map groundwater flows and interactions with surface waters, allowing for remarkably accurate predictions about how a specific well might impact a specific waterway.

One could argue that being careful about big wells near those lakes and rivers officially recognized as the highest quality makes sense, but what about all the rest? What about lakes and rivers that are already in bad shape? If these waters experience lower water levels due to groundwater pumping, existing pollution will be more concentrated and they will only get worse. And what about all the rest of the lakes, rivers and wetlands that provide habitat and recreation – shouldn't they be protected from fluctuating water levels too?

Even the state of Florida, a conservative state that never saw a development proposal it didn't like, requires the potential impact of all wells be evaluated, regardless of size or proximity to surface waters. Their requirements have been in place for over 25 years, and economic growth has certainly not screeched to a standstill.

So there you have it: the current law requires scrutiny of how much water is being pulled out of the ground in only a few circumstances, and from big withdrawals in very close proximity to the most pristine waterways. A blind eye is turned to other withdrawals that could be devastating to a favorite lake or river. The important thing is that the state and the rest of us are opening our eyes to the fact that our abundant water resources may not be able to keep up with our unquenchable thirsts forever, at least not without significantly impacting the natural resources we all value and enjoy.

Let's all cross our fingers that the Groundwater Advisory Committee is able to agree on meaningful improvements to this starter groundwater law. If not, we'll take it as our new challenge as the dialogue continues.