Clean Water Action Council

OF NORTHEAST WISCONSIN

Celebrating 38 years of working to protect public health and the environment in Northeast Wisconsin

WINTER 2022-2023

Beyond the Ballot

What our members and neighbors say about the environmental impact of the November 8th midterm elections.

Introduction by CWAC President Dean Hoegger

Much was at stake in Wisconsin with the midterm elections. Will clean drinking water continue to be a priority? To help make this happen, will there still be state programs to reduce nitrates and bacteria in drinking water? Will the DNR be directed to enforce permits, and will the state attorney general prosecute polluters?

Will there still be an emphasis on cleaning up PFAS contamination and requiring municipal water utilities to openly report PFAS contamination in drinking water? Will clean drinking water be supplied to citizens where PFAS has made the water unsafe to drink?

The fate of the Wisconsin Department of Resources was at stake. Would it be broken into smaller parts making it easier for business lobbyists to minimize environmental protections? Even more importantly, will democracy and free elections be protected moving forward?

With Governor Evers and Attorney General Kaul reelected, many environmental groups are celebrating and hopeful that we will see continued progress on these issues, and that a climate denier is not leading the state. Voters clearly responded that clean water should be a priority. However, will the legislature support environmental and human health concerns, or will lobbyists cause them to turn a blind eye in favor of profits over people?

Let us see what our members and friends are thinking about the election results. The following op-eds express the opinion of the authors, not necessarily that of the CWAC Board of Directors.

Impact of Midterm Elections on the Environment

By Charlie Frisk, retired biology teacher and environmental activist.

The impact of the midterm elections on the environment and human health was sort of a mixed bag. Wisconsin dodged the biggest bullet of all with Tony Evers holding onto the governorship over challenger Tim Michels.

Michels did not try to pretend that he gave a hoot about the environment, a behavior that is rare even in the most extreme anti-environmentalists. Even Donald Trump, who it could be argued edged out Ronald Reagan as the most anti-environment president ever, said, "I want the cleanest air, want the cleanest water. The environment is very important to me."

Had Michels been elected, with Republicans controlling the Assembly and Senate, Wisconsin Manufacturers and Commerce and the Dairy Business Association would have been able to author legislation with full confidence that it would become Wisconsin law.

Michels is a climate change denier, so there would have been no progress on that front. One way that the governor can have a great impact on clean energy is by selecting the members of the Wisconsin Public Service Commission, a three-member panel that regulates utilities. One of Michel's first actions as governor would have been to replace Ever's appointees with people who are universally pro-fossil fuel.

Learn more about the PSC here:
https://psc.wi.gov/Pages/CommissionActions/PublicParticipation.aspx

Michels would have finished the evisceration of the WDNR started by Scott Walker. He said, "If we have to, maybe we break the DNR up into two parts, one that services the business side and one that services the hunter side, the sportsmen side."

Divide and conquer is a strategy used by anti-environmental governors across the country when dealing with their state agencies that are tasked with protecting the environment. Michels doesn't even try to hide his disdain for environmental protection, notice that he would have one branch of the DNR service not regulate industry.

Another piece of good news is that the Republicans did not gain enough seats in the Assembly and Senate to be veto proof. Unfortunately, they still have a rock solid majority in both houses and always will, unless the extreme gerrymandering that guarantees a Republican majority is ended.

If you are a cockeyed optimist and believe that Republican legislators will vote for the environment in the 21st century, a look at the Sierra Club's 2021-22 legislative scorecard should disabuse you of that notion. The scorecard is based on votes on bills that impact the environment and human health such as these:

- SB-34 GOP authored bill to suspend the emergency rule adopted in 2020 which prohibited the use of PFAS containing firefighting foams.
- SB-494 GOP authored bill that would have allowed individuals to add chemicals to shared ponds and lakes without DNR oversight and without the consent of impacted neighbors.
- SB0-563 GOP authored bill that would have allowed farm-raised bison and antelope to be hunted in the same way as game farm deer. Game farms have been the primary conduit for the spreading of CWD and opening the window to more game farm species would increase the risk for spreading diseases such as brucellosis to domestic cattle.
- SB-612 Would have required the DNR to stock brook trout in Lake Michigan. This bill was authored by Hunter Nation, a far-right lobbying organization masquerading as a sportsmen's rights organization, with Ted Nugent, Tucker Carlson and Donald Trump Jr. on their board. Brook trout are a stream fish, and have never lived in Lake Michigan.
- SB-900 Would have turned over public shoreline along the Great Lakes to private developers.

In the Wisconsin Senate there are 21 Republicans and 12 Democrats. Twenty of the Republicans received a 0 score on the legislative scorecard. They did not vote pro-environment even once. The one Republican that did not have a 0 was Robert Cowles, he voted pro-environment 13% of the time.

Of the Democratic Senators 9 out of the 12 had a 100 rating, meaning they voted pro-environment 100% of the time. The three other Democratic Senators voted 88% pro-environment.

The GOP controlled Senate has also refused to vote on Gov. Ever's appointees to the Natural Resources Board. This inaction has allowed two of Gov. Walker's appointees to remain on the board long after their terms had expired. Those Walker appointees have been successful in blocking the DNR from taking effective action on PFAS contamination and forced through a controversial wolf hunting (slaughter) season in February of 2021.

As long as Republicans control both houses, we can expect no progress on legislation regulating forever chemicals such as PFAS, indiscriminate spreading of factory farm manure, reducing production of greenhouse gases, or any of a myriad of environmental problems.

Fortunately, he is just one U.S. Senator out of 100, but Ron Johnson squeaked by Mandela Barnes for a third term as U.S. Senator. Johnson is another of those rare politicians that make no attempt to hide contempt for environmental regulation.

Stanly Temple, a wildlife biologist who took over Aldo Leopold's position as head of the wildlife ecology dept. at UW Madison, was the past president of the Society for Conservation Biology, and the science advisor to the Aldo Leopold Foundation recently described a conversation he had with Ron Johnson.

Temple had worked for months to arrange a meeting with Johnson to discuss ways to save endangered species. He finally got Johnson's aides to set up a 30 minute meeting with Johnson. As he entered Johnson's office for the meeting, Johnson was heading out and said, "I don't have time to talk to you, I don't see any value in saving endangered species, and furthermore I don't believe we should have any National Parks, Wildlife Refuges or Forests."

That pretty well sums up Ron Johnson on the environment. You can't get much more extreme than that; and as he is fond of saying, "If you don't like it, you can just leave Wisconsin." However, I'm not sure how that will help because he is a U.S. Senator and votes on legislation affecting the entire nation. I suspect he wants all of us tree-huggers to be expelled from the entire country.

The results of the midterm elections strengthen protection of wild rice beds and climate change action.

By Al Gedicks, the executive secretary of the Wisconsin Resources Protection Council

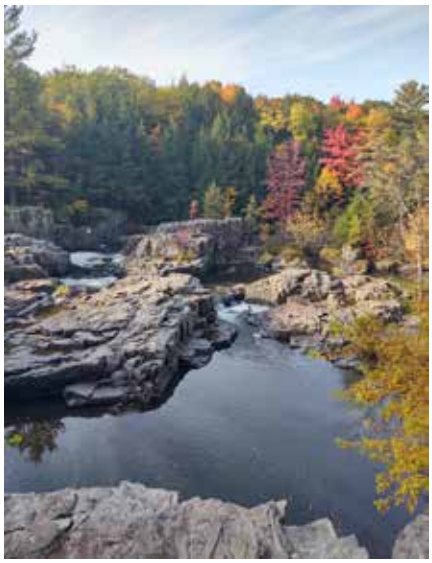
Wisconsin voters blocked a climate denier from becoming governor but supported another climate denier for a third term in the U.S. Senate. Democratic Governor Tony Evers defeated Republican multi-millionaire businessman and climate denier Tim Michels in the midterm election but Lt. Governor Mandela Barnes lost his bid to replace Republican climate denier Ron Johnson in the U.S. Senate. State Republicans retain the majority in both chambers, but they failed to win a "super majority" that could override Governor Evers' veto. Josh Kaul retained his position as Wisconsin's Democratic Attorney General with the power to enforce environmental laws.

During the only gubernatorial debate, Republican challenger Tim Michels was asked about climate change and the evidence that more frequent extreme weather events tied to climate change are disrupting the wild rice beds, a source of food and culture for the Ojibwe people in northern Wisconsin. Wild rice, also called manoomin, grows in water, and Wisconsin's Great Lakes region holds part of the largest and last remaining extensive coastal wild rice beds in the world.

Michels, a multi-millionaire businessman who owns a construction company that routinely does work on major oil pipelines, said he had never heard of it. Despite never hearing about it, he said he was sure it was not because of climate change. Michels' denial is at odds with 99% of scientists who say that human-caused carbon emissions from fossil fuels are causing climate change. This would have been an inconvenient admission, given that Michels' company is currently the mainline contractor to reroute Enbridge's Line 5 pipeline that would go through northern Wisconsin carrying up to 23 million gallons of oil and natural gas liquids per day.

The Bad River Ojibwe and environmental groups say this project further threatens the wild rice beds. It's no surprise that Michels pledged to "make sure Line 5 gets built" if he became governor. He also said the Wisconsin DNR was "close to being broken" and suggested breaking up the agency into two separate agencies: one for business regulations and the other for hunting and fishing. Michels' plan for the DNR would have given Wisconsin Manufacturers and Commerce, the largest business lobby in the state, a major role in the permitting of controversial projects that affect the environment and human health.

Governor Evers' midterm election victory means that the DNR can still exercise regulatory oversight over the proposed Line 5 reroute through the Bad River watershed. Enbridge Energy is proposing horizontal directional drilling (HDD) through terrain that, in the event of a spill, would be near impossible to respond to. The watershed flows into Lake Superior through the Kakagon Sloughs, home of the Bad River Ojibwe's wild rice. Just before the midterm election the DNR sent Enbridge Energy a letter questioning the drilling fluids and whether they contain toxic "forever chemicals", also known as PFAS (per and polyfluoroalkyl substances) that could contaminate



Eau Claire Dells just downstream from proposed exploratory drilling in Marathon County. Photo credit: Johnson Bridgwater, River Alliance of Wisconsin

soil, groundwater and drinking water. In August 2022, the DNR reported that an Enbridge contractor discovered oil-contaminated soil along the Enbridge Line 5 pipeline just south of the City of Ashland.

Drilling fluids that may contain PFAS are also at issue in Green Light Metals' (GLM's) proposed exploratory drilling at the Reef and Bend metallic sulfide deposits. The Reef gold deposit is roughly 12 miles east of Wausau in Marathon County near the Eau Claire River. The City of Wausau is already dealing with PFAS contamination.

The Bend gold and copper deposit is located near Medford in Taylor County on public land in the Chequamegon-Nicolet National Forest near the north branch of the Yellow River. The drilling fluids are untested and the DNR does not know if these compounds contain PFAS. Chemicals injected into shallow groundwater increase the likelihood of widespread groundwater contamination.

Citizen and tribal opponents of GLM's drilling request in Marathon County recently submitted a resolution to the county's Environmental Resources Committee (ERC) that calls upon the DNR, the Wisconsin State Legislature, and Governor to adopt new rules that would deny permits for any metallic sulfide mine within Marathon County. The state's "Prove It First" mining moratorium law was repealed in 2017 under a law (Wisconsin Act 134) passed by the Republican-controlled state legislature. The moratorium required companies to provide proof that a metallic sulfide mine could run for 10 years and be closed for 10 years without polluting groundwater and surface waters with acid drainage. In 20 years, no mining company ever provided this proof.

The ERC opposed the resolution saying that if Republicans found out that they passed a resolution that went contrary to the wishes of the legislature (including Wisconsin Act 134), that those legislators, who have retained their majority in both chambers of the legislature, would retaliate by withholding state money and other favors. Opponents withdrew the resolution and are evaluating their next steps.

Meanwhile, the midterm elections secured Democratic control for Michigan Governor Gretchen Whitmer and both chambers of the Michigan legislature. The Michigan permit process for Gold Resource Corporations' (GORO) controversial Back Forty metallic sulfide mine next to the Menominee River on the Michigan-Wisconsin border won't get started until sometime in 2023. However, pro-mining Republicans may try to pass 7-8 bills during the lame duck session of the Michigan legislature that would take zoning power away from local government and make it easier for GORO to ignore widespread opposition to the proposed mine.

County Referendums Indicate Bipartisan Support for Clean Water

By Stacy Harbaugh, Communications Director, River Alliance of Wisconsin

On November 8, a majority of voters in five counties voted YES on an advisory referendum question on the right to clean water, showing strong bipartisan support for clean water protection.

The question read: "Should the State of Wisconsin establish a right to clean water to protect human health, the environment, and the diverse cultural and natural heritage of Wisconsin?"

John Bridgwater

Among the votes counted, 80% of voters in Adams, Bayfield, Juneau and Outagamie Counties voted YES. In Green County, 84% of voters approved the question. "When you ask Wisconsin voters, they agree that clean water is our state's greatest asset," said River Alliance of Wisconsin Water Advocates Organizer Johnson Bridgwater. "We care about clean water, but now we need our state leaders to listen to the people and put our clean water values into action."

There are urgent human and environmental health needs that must be addressed. From nitrate contaminated drinking wells and our need for action on groundwater contamination standards, to remediating PFAS contaminated water and soil, our state leaders need to put partisanship aside and work to ensure safe drinking water.

With the reelection of Governor Tony Evers and a starkly gerrymandered state legislature, Wisconsinites can expect to see a continued political stalemate and a lack of progress on the systemic change needed to stop water pollution before it starts.

Allison Werner

"Unless state leaders start listening to the voters, we will see more stubborn partisan politics and power grabs getting in the way of progress on urgent and fundamental issues of human and environmental health protections," said River Alliance of Wisconsin Executive Director Allison Werner.

Voters in Marquette (73%), Portage

(77%), Wood (76%), Eau Claire (79%) and La Crosse (86%) Counties also approved the Clean Water Now referendum. When voters are asked if they believe in the right to clean water, they vote YES in strong numbers that transcend political party lines.

The November election did little to deal with PFAS poisoned waters. But it could have been worse.

By Doug Oitzinger, former Marinette mayor and current city council member.

Doug standing in front of a creek which is the most PFAS contaminated tributary of the Bay of Green Bay

How has the Wisconsin midterm elections affected the PFAS poisoned waters of the State? The answer is both "a lot" and "not much at all." That's because we must measure what could have happened against what did happen.

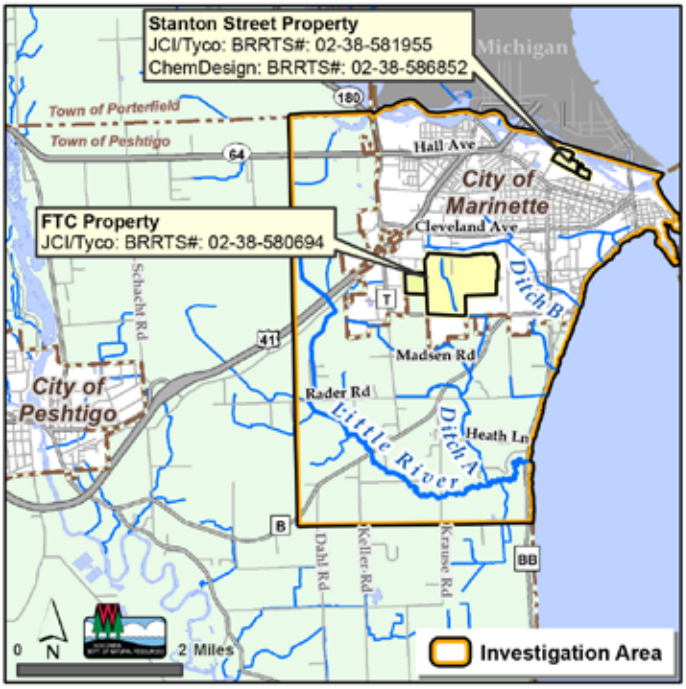
Governor Tony Evers and Attorney General Josh Kaul were re-elected. That means the Wisconsin Department of Natural Resources (DNR) will remain an agency reporting to a governor that emphasizes "clean water" as an important goal of environmental and public health policy. The PFAS initiatives Governor Evers has taken with the DNR will continue, including: a division of Emerging Contaminates, a PFAS External Advisory Group, a Wisconsin PFAS Action Council, and PFAS regulatory rule making.

It also means the Governor will continue to "request" additional funding in the State Budget for PFAS initiatives by the DNR and other agencies. There was no indication that candidate Tim Michels would have continued any of those initiatives and every indication, that as a construction mogul, he would have been hostile to the DNR's role in environmental protection.

With Attorney General Josh Kaul retaining his post, two important lawsuits will continue without the worry of industry influence killing those actions. The first is a specific lawsuit filed in March against Tyco/Johnson Controls Inc (JCI) for its contamination of groundwater and its failure to notify the DNR when massive PFAS contamination was discovered at its Fire Technology Center facility in the City of Marinette.

This facility contaminated groundwater for ten square miles and has poisoned hundreds of wells in the Town of Peshtigo. The second lawsuit was authorized by the Governor and filed by the Attorney General in July against three Wisconsin manufacturers (including Tyco/JCI) and 15 other defendants for "wrongful, deceptive, and tortious conduct" that led directly to PFAS contamination of Wisconsin's water, property, and natural resources. Again, there was no indication that candidate Eric Toney viewed enforcement of Wisconsin's environmental laws as a priority; he had other stated priorities that included an 1849 abortion law.

Here in the Marinette and Peshtigo area, corporate polluter Tyco/JCI knows now that they have at least four more years where they will not get a free pass from the Evers/Kaul directed agencies. JCI has acknowledged as much by just adding an additional $255 million to their corporate reserves for the remediation of the Marinette contamination.



Maps courtesy of the WDNR.

The people of Wisconsin re-elected the top PFAS water warriors that we have. But they also elected an even larger Republican majority in the State Senate and State Assembly. These are the people who take the Governor's requests for PFAS funding and cuts them. These are the people who even when a bipartisan law is enacted on firefighting foam, gut the DNR rule to implement it through a legislative "review." (*See Firefighting Foam Act 101*)

The Republican legislature is beholden to Wisconsin Manufacturers and Commerce (WMC). There is no fiercer defender of corporate polluters than the WMC. They have a lawsuit against the DNR winding its way up to the State Supreme Court that would prohibit the enforcement of Wisconsin's "Spills Law" that currently allows the DNR to force companies like Tyco/JCI to clean up their PFAS pollution.

It's all very dark and disheartening in the legislature where the days of working across the aisle to get things done has disappeared. The WMC and fellow lobbyists effectively control the Republican legislature. The Republican legislature itself is only concerned with power-keeping it and using it to reward their friends and punish their enemies. It is an unholy alliance of corporate greed and political expedience.

One only needs to look at the Governor's appointments to the Natural Resources Board (NRB) to see how the power game is played. The term of a board member appointed by Governor Scott Walker ended in May of 2021. Governor Evers named a new person and awaited the State Senate to approve his nominee.

The Governor is still waiting (eighteen months later) for the Republican Senate to hold a hearing on the Governor's nominee. And, of course, the Republican board member whose term expired in 2021 refuses to step down! This board member was the deciding vote that killed a groundwater standard for PFAS in Wisconsin last February. This board member cited WMC's testimony in his vote to kill the rule.

So, the election preserves the status quo that has one side fighting to protect the environment and public health, and the other side fighting to protect industry from environmental regulation. The struggle will continue for families and communities affected by PFAS. While we did not lose precious ground in this election, we also did not change the political dynamics of PFAS regulation in Wisconsin by even one part per trillion.

Doug Oitzinger is a founding member of Save Our Water (S.O.H2O) and was appointed to serve on the DNR's PFAS External Advisory Committee. He has testified before numerous legislative committees and the Natural Resources Board on PFAS legislation and regulations.

Wisconsin's Democracy Remains Broken

By David Verhagen, Clean Water Action Council board member

In the Marketplace of Ideas, it takes at least two to tangle. In American politics where we live under a two-party system, there are only two factions representing the diverse populations of Wisconsin and the U.S. So long as both parties act in good faith and maintain the norms that have guided our governance since the country's founding, the system works. But here in Wisconsin, good faith is lacking and democracy no longer functions in the daily operation of our state government.

The Norm in a government transfer of power is to allow a new Governor to appoint his own team of appointees to head up the agencies, commissions and boards that oversee the administration and daily operation of government. As his first four-year term ends, the Senate has refused to vote on over 120 of Evers' appointee nominations. And that is only one part of the power grab done by Republicans in both Houses of the Legislature. A power grab that leaves environmentalists, voting rights proponents, and even local governments without voice on many of the issues in Wisconsin.

Consider that for statewide offices from Governor to the U.S. Senate, voters split nearly 50/50 between the two party's candidates. But Wisconsin voting districts have been devised so that Republicans have complete control, winning 67% of the seats in the State Senate and 64% of the seats in the Assembly in 2022. The politicians are so secure in their jobs that they have no need to listen to most of their voters.

As a result of holding power insulated voter accountability, the ruling party has hamstrung the Governor by blocking his agency appointments and curtailing as many of his discretionary powers as they are able. Consider:

- The Natural Resources Board (NRB) that governs DNR policy is still headed by a Gov. Walker appointee who refuses to resign despite his term having ended years ago. Gov. Evers nominee has never received a vote by the Senate.
- The Livestock Facility Siting Review Board has also never had an Evers appointee considered by the Senate.
- The UW Board of Regents retains Walker appointees in place as seven Evers appointments have never received Senate consideration.
- The Technical College System Board retains Walker appointees as well, as none of Evers' five appointees have had a hearing.

"You've got what is essentially a coup to maintain the last governor's control of the board, they're basically stealing power," Jeff Mandell, co-founder of legal non-profit Law Forward, told the *Wisconsin Examiner* in June. Joseph Heim, a UW-LaCrosse political science professor

emeritus told Wisconsin Public Radio in September, 2022; "It seems to me it's a groundbreaking tactic that just adds to the overall turmoil in the government in Wisconsin."

Governor Evers directed his Attorney General to sue the Natural Resources Board to remove Walker's appointee whose term had expired and allow a new Evers' appointee to join the Board. The Supreme Court upheld the Senate Republicans, however, ruling; "The expiration of a defined term for an appointed office does not create a vacancy." Thus, the DNR Board still pursues policies of a previous administration.

Fred Prehn, a Governor Scott Walker appointed NRB member, refuses to step down after his term expired and does not represent the policies of Governor Evers. ""But [I] still remain as board member and I will effectively guarantee a conservative gets to have the chairmanship," stated Prehn in a text message.

Photo courtesy of Wisconsin Public Radio

Even when Governor Evers was able to have one of his appointees take over at the Dept. of Agriculture, Trade and Consumer Protection (DATCP), the Senate refused to confirm the appointment and left Brad Pfaff as a "secretary-designee" who could be fired at the legislature's whim, which Pfafff was after just one year. Pfaff is now a state Senator himself representing Onalaska.

A year later as the Covid pandemic led to a public health crisis, Evers' chosen nominee to head the Department of Health Services had still not been given a confirmation vote. Secretary-designee Andrea Palm left the position for another job without ever having been confirmed.

The politicization of State agencies is costing Wisconsin talent. The replacement of retiring university Chancellors has become especially challenging. Professionals accustomed to working in an environment insulated from politics are justifiably wary of coming to our State. And the bottom line is that unless you belong to a well-known Republican support group, your issues are not going to be heard in Madison. Fewer than ten Democratic sponsored bills received a vote of any kind in the State Senate in recent years.

Governor Evers comments following the State Supreme Court in the NRB case included this: "I remind the Wisconsin Supreme Court and the Republican Party of this state that we do still live in a democracy, a very basic function of which is the peaceful and respectful transfer of power, even—and most especially—when you lose…"

Evers' re-election means leaps and bounds for Wisconsin's environmental movement.

By Casey Hick, Organizing Director, Wisconsin Conservation Voters

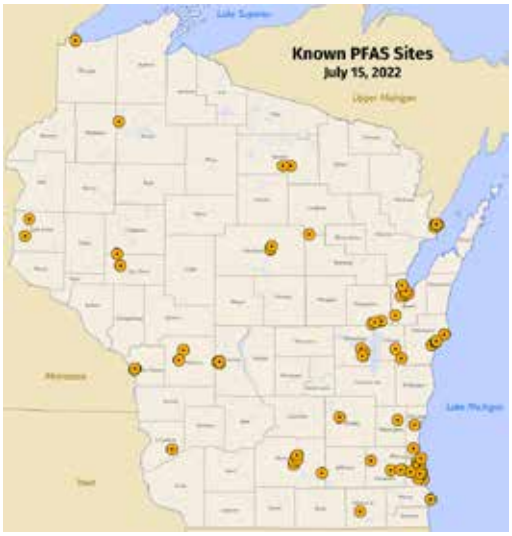
Voters felt the gravity of November 8th and showed up in record numbers to protect our drinking water, fight climate change, and defend our freedom to vote. In fact, Wisconsin experienced the highest turnout in the country[1]. Governor Tony Evers was re-elected, any hope Republicans had of gaining a super-majority to overturn the Governor's veto were dashed, and Josh Kaul was chosen to continue as Attorney General to hold polluters accountable for the damage they cause to our environment and our health. The timing of re-electing environmental champions couldn't be better.

Congress passed two landmark bills that will advance Wisconsin into a clean energy future and address environmental justice issues in meaningful ways, the Inflation Reduction Act (IRA) and the Bipartisan Infrastructure Law (BIL). Combined, these two acts give Wisconsin the latitude to begin implementing the Wisconsin Clean Energy Plan to reach 100 percent clean energy by 2050 and within this decade create over 40,000 new clean energy sector jobs. To jumpstart just some of that job creation, the IRA includes $4 billion for manufacturing to create materials, components, and final clean energy products.

In localities that have made community-wide clean energy commitments, small businesses will be able to leverage tax credits that make buildings more energy efficient and cover 30% the cost of purchasing solar power or battery storage[2]. The IRA will also help Wisconsin's 61,400 farms invest in climate friendly, sustainable agricultural practices.[3]

Wisconsin has long faced a drinking water crisis from nitrates, lead, and most recently toxic cancer causing per- and polyfluoroalkyl substances (PFAS). Thanks to Governor Evers' leadership, there are now requirements for testing and cleanup of PFAS pollution, which will help to identify new areas of contamination and where to invest in IRA funding.

Over the next five years, Wisconsin will receive $12.8 million per year to remove PFAS contamination from our



Map courtesy of WDNR.

drinking water.[4] BIL funding will also lead to removing lead pipe infrastructure in households, schools, and daycares, with an $841 million investment over the next five years.[5]

What was sadly missing from this first round of PFAS standards were protections for groundwater, which were shot down by the Natural Resources Board (NRB). Recently the Governor approved a new scope statement to re-introduce those groundwater standards for four types of PFAS to the rule-making process.

With former Walker appointees' terms expiring on the NRB in 2023, we could have a majority of board members who will support more water protections (if the Governor's appointees are approved in the senate). With his re-election, Governor Evers can reshape the NRB to be pro-conservation and have the opportunity to sign new groundwater rules if they make it to his desk after the two-and-a-half-year process.

To protect the environment, we need to be able to freely express ourselves in an open democracy. We need to be able to elect candidates who value our environment and our health over corporate profits. That means protecting one of our most fundamental freedoms as Americans, the right to vote, from anti-democratic extremists who have sought to subvert our democratic institutions. Within the last two years, Governor Evers has vetoed 16 bills that would have chipped away at our individual voting rights or made it harder for non-partisan election officials to administer our elections. We know that he'll continue to do so in his next term.

It can feel bleak sometimes living in Wisconsin with a divided government and gerrymandered legislature. Despite those hurdles, these next four years will be monumental for our state with Governor Evers at the helm. The investments his administration will make in clean energy, clean water, and environmental justice will be historic and launch our state into the future. His ability to reshape the DNR will give more people the confidence to know their drinking water is safe. And his veto pen will ensure our freedom to vote is safeguarded so we can continue to do the important work of organizing in our own communities.

[1] https://www.electproject.org/2022g

[2] https://www.cityofmadison.com/mayor/blog/the-inflation-reduction-act-is-a-win-for-climate-and-our-community

[3] https://www.whitehouse.gov/wp-content/uploads/2022/08/Wisconsin.pdf

[4] https://conservationvoters.org/news/statewide-pfas-protections

[5] https://www.whitehouse.gov/wp-content/uploads/2021/08/WISCONSIN_Infra-structure-Investment-and-Jobs-Act-State-Fact-Sheet.pdf

Let Wisconsin's history of environmental activism guide us forward.

By Tony Wilkin Gibart, Executive Director at Midwest Environmental Advocates

Wisconsin voters chose to reelect Governor Evers and Attorney General Kaul. Like in the 2018 election, issues of environmental protection distinguished the candidates. As one example, gubernatorial candidate Tim Michels said he wanted to break up the Department of Natural Resources (DNR) to make the state responsive to business interests. Governor Evers' campaign considered this "a radical policy" that would be detrimental to "our state, our water, and our long history of protecting and preserving our state's natural resources and outdoor areas."

Polls show that environmental protection matters to voters. This year, the Marquette University Law School poll found that 66% of respondents viewed water quality as an issue of statewide concern. Another survey found 63% of Wisconsinites think the state should be doing more to combat climate change.

So, as they did in 2018, this year, voters chose between distinct approaches to environmental protection.

In a healthy democracy, those choices on election day would translate into policies that carry out the will of the voters. However, in our gerrymandered state, things aren't that simple. Between 2018 and 2022, we saw how the health of our democracy directly impacts the health of our environment. Recent history is critical to knowing how we can defend democracy and secure our rights to a healthy environment over the next several years.

Through the 2018 "Lame Duck Law," immediately after Wisconsinites demanded action for clean water and climate at the ballot box, special interests and an unaccountable legislature made changes to limit the power of the governor, the attorney general and the DNR to respond to the people. Then, at the urging of Scott Walker and lobbyists, Fred Prehn remained on the Natural Resources Board (NRB) past the expiration of his term to vote down the environmental policies of the governor voters chose over Walker. At the same time, we saw lobbyists for polluters, such as Wisconsin Manufactures and Commerce (WMC), initiate a string of lawsuits to prevent the state from testing for PFAS and holding polluters accountable.

These developments may seem like technical legal issues about the inner workings of government, but the common theme is that polluters and their unaccountable allies in the legislature are seeking to make it nearly impossible for the will of the voters to impact government action to protect the environment. They cannot convince Wisconsin voters to accept toxic drinking water or to sacrifice their futures to a runaway climate, so instead they seek to make government less responsive to the voters.

Unfortunately, none of those efforts will cease with the 2022 election results.

But Midwest Environmental Advocates (MEA), Clean

Water Action Council of Northeast Wisconsin (CWAC) and our other partners are working to defeat these efforts to squelch our voices. In doing so, we can strengthen democracy and the health of our environment.

One way MEA and CWAC are already doing this is by actively defending Wisconsin's Spills Law in court from attack by WMC. The Spills Law has been on the books for 40 years as a flexible tool to protect Wisconsinites from toxic contamination. Despite that long history, once Wisconsin voters elected a governor and an attorney general who put the health of communities like Marinette and Peshtigo over the interests of polluters like Tyco/Johnson Controls, WMC tried to undo the Spills Law. WMC filed a lawsuit based on a novel theory that the state has been illegally implementing the Spills Law for four decades. While this fight is far from over, we are confident the courts will uphold the Spills Law, preserve this vital public health protection and turn back radical legal theories that would gut environmental protection.

Another way we must restore democracy is to fix the Natural Resources Board. That starts with our demanding that members whose terms expire respect the institution and the will of the voters by making way for new leadership. Long before Fred Prehn squatted on the NRB at the behest of lobbyists, Wisconsin once had a tradition of guarding against special interest influence in natural resources decision-making. The appointees made to the NRB over the next four years must work to restore these values.

As I mentioned, a big reason environmental protection is less responsive to the people is that the legislature has taken power from the executive branch. Go figure; just as the legislature made itself the least politically accountable branch through gerrymandering, it also made itself the most powerful branch of government. These power grabs, which prevent the DNR and other agencies from faithfully implementing environmental laws, must be confronted in court by Wisconsinites. In the coming years, we need the Wisconsin Supreme Court to restore balance and uphold traditional separation of powers.

While the challenges we face in Wisconsin are considerable, our state has a deep history of both environmental activism and good government. It may be hard to see those traditions reflected in many current political decisions, but they are still very much alive in the people who love this state. CWAC, MEA and many other Wisconsinites will continue to stand up to wrest back the power of Wisconsinites to protect water, land and air.

Citizens for a Clean Wausau are defending the Spills Law with MEA and CWAC.

When Status Quo is Good News

By Jim Wagner, MS in sustainable management and former CWAC board member

Coming on the heels of midterm elections in Wisconsin, where climate change champion Mandela Barnes lost in his U.S. Senate bid to Sen. Ron Johnson and other Wisconsin state Democrats lost their own bids, it seems a stretch to signal a note of hope and relief.

Don't get me wrong, losses to election-denying, insurrection-supporting, vaccine-rejecting Republicans is never going to leave a good taste in the mouth, but given the alternative, we have much to be thankful for as we head into the holiday season. Never underestimate the power of the status quo.

Two facts highlight this sense of relief: the re-election of Gov. Tony Evers and the Republican failure to gain a supermajority in the state legislature. A win—either by challenger Tim Michels or a supermajority—would have spelled calamity for what environmental protections we enjoy in the state today.

Despite the enthusiasm and outrage sparked by the U.S. Supreme Court's striking down of Roe v. Wade among voters, it was always going to be a close election with global inflation the worst in years, the familiar boogeyman fearmongering by Republicans over crime in the suburbs, and the historical precedence of the average voter to vote against the party of the sitting president.

It goes without saying that Wisconsin has even more structural issues than other states with one of the most gerrymandered maps in the country (despite what the Supreme Court might have you believe). How else do you explain a Democrat governor winning re-election by a comfortable 51% over his competitor; yet state Republicans hold 67% of the Senate and 65% of the Assembly?

Despite all that, Republicans were unable to gain enough Senate and Assembly seats to garner the required 2/3 majority needed to overrule the governor's veto. If that seems small consolation for Democrat defeats, consider this: Gov. Evers vetoed nearly 150 bills in his first term—legislation that would have gutted voting access, ushered in universal school vouchers, and stripped the governor's power to disburse American Rescue Plan Act (ARPA) funds as he saw fit. The depressing litany of actions required by Gov. Evers to protect Wisconsin citizens can be found here https://www.wpr.org/gov-tony-evers-vetoed-these-bills-they-could-be-reconsidered-if-tim-michels-elected-governor.

Most importantly, a Michels win, or a supermajority would have resurrected the long-held Republican desire to break up the Wisconsin Department of Natural Resources (DNR) into pieces so they could divide and conquer—defund the agency enforcing environmental protections for air and waters with continued with funding to the agency overseeing Wisconsin's hunters, fishers, and other tourist activities.

Gov. Tony Evers, center, vetoes the GOP-backed income tax cut Wednesday, Feb. 26, 2020, at Lincoln Elementary School in Wauwatosa, Wis. *Corrinne Hess/WPR*

It would also likely spell the end to any meaningful PFAS-related cleanup efforts needed in the state. Earlier this year, Republicans approved DNR's administrative rulemaking to enforce 70ppt PFAS thresholds in drinking water and 8ppt in surface waters that support fish. This is nowhere close to the U.S. Environmental Protection Agency's (EPA) updated guidance of .004ppt for PFOA and .02ppt for PFOS, but it's hard to imagine a Republican supermajority would allow even the lax thresholds in place to inconvenience businesses in the state.

Who do we have to thank for avoiding this fate? Without a doubt, Democrat-leaning voters and those incensed over the Supreme Court ruling. But the biggest thanks should be reserved for Gen Z voters, the much-maligned generation that came out in force throughout the country and prevented the anticipated Red Wave.

Without the under-30 voters that heavily skewed Democrat, Harvard Public Opinion Project student chair Alan Zhang told ABC news recently, "there was no firewall that stopped the red wave from taking over."

Now for the optimism. There's not much, under the current state of our gerrymandered state, we can do about some elections, but in statewide elections there's a window for turning the tide to protecting Wisconsin's natural resources.

Currently, the existing conservative Wisconsin Supreme Court has upheld the right of Fred Prehn, a conservative on the Department of Natural Resources Board appointed by former Gov. Scott Walker whose term expired in 2021, to stay on the board. Why is he allowed to stay? Because his replacement needs to be confirmed by the Republican Senate, which refuses to hold a hearing on the nominee, Sandra Naas. Attorney General Josh Kaul, who won re-election in this latest midterm, had an unsuccessful lawsuit that contends the governor can fill a provisional appointment for the expired office until the legislature gets around to holding the hearings.

But one of the conservative justices is retiring in July 2023, with an election for the replacement on April 4, 2023. A Democratic win would flip the court from 4-3 to 3-4 for conservatives, with the hope for a reversal of the ruling that allows Prehn to sit on the NRB. The terms of three other conservative NRB members appointed by Walker are set to end in May 2023 as well, so the election has huge ramifications for the makeup, and direction, of the NRB for the future.

Call me optimistic that we can win back our hopes for continued environmental protections in Wisconsin.

Midterm Election Results Mix Pluses and Minuses, New Climate Campaigns Ramp Up

By Eric Hansen, Milwaukee author and op-ed writer.

Wisconsinites concerned about the cascading impacts of catastrophic climate chaos can find some good news in the midterm election results. But, check the reports from the 27th annual U.N. global climate conference (held in Egypt November 6-18) and it is clear that the global fossil fuel industry will not surrender its deadly power easily.

Key fact: 27 years of climate summit conferences are not getting the job done. Governments agree to goals, and then don't implement them. For example: an agreement that the increase in global temperature rise must be held to 1.5 degrees Celsius to avoid disaster has not led to meaningful action.

Bottom line: we need to up our game, learn new skills and apply relentless and strategic pressure to stop the poisoning of our water and planet.

Bill McKibben, climate campaigner and author, has some powerful thoughts on how we can pressure the banks that are financing the fossil fuel industry and bankrolling climate chaos. In addition, a new Wisconsin campaign offers those enrolled in the state employee retirement system a way to insist their pension savings not finance fossil fuel scofflaws such as Enbridge.

Chicago climate march photo by Susan Simensky Bietila.

MIDTERM ELECTION NEWS

"**Weak GOP Performance in Midterms Blunts Possible Attacks on Biden Climate Agenda, Observers Say**" is the headline on a November 13 article from *Inside Climate News* (ICN).

ICN's Marianne Lavelle noted that "If Republicans take over either chamber of Congress, a top priority is certain to be changing the law to fast-track energy infrastructure, like pipelines. The Biden White House already agreed in principle to such legislation as part of the deal struck in August to obtain Manchin's vote on the Inflation Reduction Act."

Georgia's U.S. Senate runoff election in December will determine whether Senator Manchin retains the pivotal influence he had in the last Senate session.

Meanwhile, Michigan's election results favor opponents of Enbridge's Line 5 and Enbridge's proposed Mackinac Straits pipeline tunnel. Michigan Governor Gretchen Whitmer and Attorney General Dana Nessel decisively won re-election and Democrats swept into power in the state legislature.

ACTION ITEMS:

Time To Play Hardball With Banks Financing Climate Chaos

It has been seven years since the Paris Climate Treaty was signed in 2015. That treaty was supposed to be an action plan to commit governments to sharply reduced carbon emissions. During those seven years, four banks—Chase, Citi, Wells Fargo and Bank of America—have loaned fossil fuel companies a trillion dollars. (see https://thirdact.org/blog/why-we-must-act-banks-drive-climate-destruction/)

Bill McKibben and other nimble activists launched a campaign to end that financial lifeline for the big polluters. They have a **"Bank on our future pledge"** that reads: "If Chase, Citibank, Wells Fargo, and Bank of America are still funding climate-destroying fossil fuel projects in March 2023, I pledge to close my account and cut up my credit card. If I don't bank at these institutions now, I pledge I won't do so in the future."

Amplifying that unified action by cardholders, and other concerned citizens, will lead to real leverage with the banks. For more information on this promising new tactic and other initiatives see https://thirdact.org/act/bank-on-our-future-pledge/

Divesting Risky Fossil Fuel Investments From Wisconsin's State Pension System.

Climate change threatens everything, including the financial security of pensions. Hundreds of members of Wisconsin's Retirement System (WRS) have already signed a petition asking the State of Wisconsin Investment Board (SWIB) to exercise its fiduciary responsibility and divest from its fossil fuel investments.

It is time for WRS to follow the example of other large state pension funds that have safely begun to divest from fossil fuels while meeting their legal and fiduciary responsibilities. See climatesafepensionswisconsin.org for further information and resources, including financial studies noting a questionable future for the value of fossil fuel investments.

Wisconsinites have a long, proud history of blocking ill-advised industrial projects that would pollute our waters and threaten the health of our communities.

Think of the campaigns that blocked the proposed Penokee, Back 40 and Crandon mines. Or, the historic victory that ended the use of the pesticide DDT. We have done it before, and we can do it again.

Now is the time to speak out and campaign against pollution that threatens not only our health but the health of our entire planet. Insist that financial institutions we do business with do the right thing - and not finance fossil fuels. Future generations will thank you.

Eric Hansen's op-ed commentaries have described the dangers of the Eagle, Back 40 and Penokee mine proposals as well as Enbridge pipelines. Hansen is a hiker and water protector.

2022 Mid-term Election Results – Maintaining a Path to a Healthier Environment

By Lee Luft, former Kewaunee County Board Member and chair of the Kewaunee County Groundwater Task Force

Have you ever asked yourself if elections really matter or if the 2022 mid-term results will benefit our environment? Should you have any doubt, a brief history of Wisconsin citizens using their vote may reassure you. Recent elections helped change the course the environmental debate in Kewaunee County (and statewide) and the 2022 vote will help keep us on a path to continued improvement.

Recent History of Citizen Impacts at the Polls:

Early in the 2000's, large-scale farming entities called Concentrated Animal Feeding Operations (CAFOs) were expanding rapidly in Northeast Wisconsin and nowhere was this growth faster than in Kewaunee County. Cattle herds were becoming ever larger, traditional grazing declined, massive manure pits became common, and the required land application of all that manure was growing rapidly. Unfortunately, a significant portion of the land in Kewaunee County was unsuited to this increased land application of nutrients.

Shallow soils and fractured bedrock in portions of NE Wisconsin made land application of manure, especially liquid manure, a danger to both ground and surface waters. As herd sizes increased each year, the existing safeguards to stem manure spills and runoff proved woefully inadequate. By 2010, the resulting contamination of private wells and the pollution of surface waters became hard to ignore. Well contamination rates exceeding 30% of wells tested were being recorded in parts of Kewaunee County and coordinated state and local plans to address water pollution concerns in especially vulnerable geologic areas were virtually non-existent. The impacts on health, quality of life, and property values were profound and could no longer be ignored.

By 2015, consistent, fact-based input from citizens helped grow support among the Kewaunee County Board to place a referendum on the ballot in an election in which all

Kewaunee County voters could participate. This referendum was simple. Kewaunee County would ban the spreading of nutrients (primarily manure) over shallow soils during the winter months. It was a small step to be sure, but there was great uncertainty that even this initial effort to prohibit a known cause of groundwater contamination would pass in a county with such a large and powerful dairy farming presence.

To the great surprise of all who had worked to champion this referendum, the winter spreading ban passed in Kewaunee County by an unbelievable 83 to 17% margin! In today's political landscape it's hard to imagine any measure passing by over 80% but thankfully our Kewaunee County citizens made clear their feelings about the importance of clean water.

The people of Kewaunee County had spoken and our county board members and local officials, many of whom may have been content to remain on the sidelines, now had to take notice. Energized citizens were now better informed about the extent of our ground and surface water pollution and they expected their elected officials to do something about it!

Meaningful Change Will Not Be Easy or Swift:

It now seemed there was a path forward to an improved environment, but it would not be easy. The CAFO operators were naturally wary of any new restrictions on their farming practices and they had long ago banded together in industry groups. These powerful lobbying groups had the attention of state elected officials at all levels. State agencies that had to approve and oversee changes to farming practices were headed by appointees of those same elected officials. The secretaries of the Wisconsin DNR and the Department of Agriculture were well aware of our significant water quality concerns but chose not to act. Wisconsin's then Attorney General Brad Schimel actually went so far as to appoint a former partner in a law firm representing CAFOs, to head of the DOJ's Environmental Protection Unit.

The 2022 Vote:

The 2022 re-election of Governor Tony Evers and Attorney General Josh Kaul will continue a path that began after the in 2018 election brought both men to Madison. In the years following this 2018 vote, environmental concerns were documented, acknowledged, and finally acted upon. Substantial penalties for significant and repeated violations of environmental regulations were now prosecuted and where warranted, penalties imposed. It is through these efforts to enforce the regulations that were so painstakingly developed and approved by citizens, farmers and environmental experts that have led to the implementation of improved farming practices and consequently improved water quality. Citizens voting for a change in Wisconsin leadership made this happen in 2018 and the voters reaffirmed their support again this year! The 2022 mid-term vote was a win for Wisconsin and for cleaner air and water.

The Facts Are Clear:

It is hard to overstate the fact that the votes of concerned citizens helped move our local community and the state toward improved water and air quality. Never underestimate the power of your vote!

The Action in Clean Water Action Council

By Dean Hoegger, CWAC President and Executive Director

It Is Time to Renew Your Membership

Please renew your membership for 2023. Memberships are for a calendar year. We keep your membership active even when you renew later in the year. However, renewals in December and January help us to plan the budget for the coming year.

To check your membership status, look at your address label which shows your last renewal year. Emailed newsletters include the last renewal year in the body of the email and a personal request for your renewal. **Please consider a more generous gift if you forgot to renew in 2022. Membership donations are critical as they account for nearly half of our operational funds.** Employee salaries are paid from a trust fund and our Packers' concession stands, not from donations.

You can mail your membership donation with the enclosed form or go online to http://www.cleanwateractioncouncil.org/membership/. If we have your current membership information, then all you need to do is click on the "*Donate*" button on our website's home page or in our email signature block. Please know that you do not need a PayPal account, or open an account, to pay with a credit card.

We are thankful for members who wish to sponsor any of the following starting at the $250 level: Newsletter ($800), intern ($500), rent ($2500).

We would like to thank the members who have volunteered to help with our Packers' concession stands, water sampling at Bairds Creek, and mailing the fall newsletter. There are many volunteer opportunities with CWAC. Contact us to discuss the ways you can volunteer to help us protect human health and the environment.

Office Staffing Changes

It is not quite "Back to the Future" but definitely it is back to the past. Executive Director Marcus Rufledt, hired in September, resigned at the end of October citing personal and family reasons. The Board asked former Executive Director Dean Hoegger to return as the Director and continue his work as Education Director. The Board was able to hire summer intern Gracyn Holcomb for the position of Administrative Assistant. In this case, "A Star is Born" would be an appropriate movie association. Gracyn is a great asset to our work and could be on staff for a while. She graduates in the spring of 2024.

Much of the work this fall was focused on training the new director and preparing for the breast cancer conference, which took away time for other actions. But, below is an update on various actions.

Read below about the actions we have taken in the last three months.

Be sure to contact us if an environmental issue arises in your community. CWAC is here to support citizen action.

Legal Actions

As a citizen organization, an important function of CWAC is to take legal actions on behalf of our members to protect human health and the environment. Here is an update on ongoing actions.

The Judge in WMC vs DNR in Waukesha Circuit Court Case Ruled Against DNR and the Public but Stayed His Decision.

We were pleased to report that the decision against the DNR and therefore Wisconsin citizens was stayed subject to an appeal. The CWAC Fall Newsletter provided a detailed review of the case.

The Wisconsin Manufacturers and Commerce is suing the DNR on the unusual basis that the DNR has been illegally enforcing provisions of the Spills Law for nearly 30 years. If WMC prevails in this lawsuit, it will be exceedingly difficult to repair the damage the Spills Law was designed to prevent. Wisconsin will be forced back into the dark ages of environmental protection, where we could remain for a very long time.

On our behalf, legal efforts continued by Midwest Environmental Advocates. On November 18, 2022, MEA filed a Motion to File a Non-Party Brief, a Non-Party Brief, and an Appendix in the Wisconsin Court of Appeals District II, which is hearing DNR's appeal of the WMC v. DNR Spills Law case. The clerk accepted the motion, and so now it's up to the Court to grant the motion before accepting the brief as filed.

We thank donors who helped with legal fees, and we continue to seek donations which should be noted as "for legal fees" on your check or online payment.

CWAC Alerts Readers about Pollution Permits and Other Permits

We monitor notices for new water pollution permits and renewals, and then alert over 1,200 readers via our emailed Weekly Update. Email us at contact@cleanwateractioncouncil.org to receive the privacy protected, emailed update sent once a week.

The Petitions to the EPA for The Safe Drinking Water Act.

On June 6, CWAC and our partners, representatives from Kewaunee Cares, Midwest Environmental Advocates, and Clean Wisconsin, met with Region 5 EPA officials. At that time, we asked them to review the last six years of CAFO records, since their last review was in 2016. We also requested that the EPA work with the DNR to provide additional water kiosks and that arrangements be made to deliver water to people with physical limitations. EPA and the petitioners left with an understanding that groundwater contamination persists, but EPA has taken no follow-up action to date.

Green Bay Coal Dust Complaint Further Investigated

This summer, CWAC was contacted by a Green Bay resident who was distraught over ongoing dust from coal piles owned by C. Reiss Coal Company along the Fox River. Several years ago, we sent dust samples to a laboratory which verified that dust on homes did contain coal dust. We recently shared and reviewed files with Midwest Environmental Advocates and found the DNR and EPA were reporting that the company was in compliance with their permit.

At an October meeting with MEA, it was decided that we should request files that list actions C. Reiss workers took as required by their dust control plan. It was also decided that a record sheet will be created that is based on the dust control plan and the weather conditions at the time of the observation. This way, we can document whether or not the company is actually compliant, and if not, then submit the records to the EPA.

A review of City of Green Bay documents confirms that it is unlikely the coal piles will be moved soon.

PAH and Coal Tar Sealant Ban Efforts Continue

In September, Brown County villages and towns were sent educational materials regarding this hazard. We also applied for a grant to provide education to Door County municipalities, schools, daycare centers, churches, and citizens. We believe we will receive the grant to do this work.

This sealant contains polycyclic aromatic hydrocarbons (PAHs), which are known to be a serious health threat. **According to the Army Corps of Engineers, children living near surfaces treated with this sealant have a 13-fold increased risk of developing certain cancers; a lifetime exposure can result in a 38-fold higher risk of cancer.**

Contact us to help get a ban passed in your community. Click this link for a slide presentation on the topic: https://www.youtube.com/watch?v=0xjvi-leDHg&feature=youtu.be

Educational Efforts in the Community

Breast Cancer and the Environment & Advances in Detection and Treatment Conference

CWAC hosted the conference at UW-Green Bay on October 15. With the help of our sponsors, we brought four excellent presenters to address the topics. The presentations can be viewed online by searching "Clean Water Action Council YouTube" or by clicking on the links below.

Video 1: Cancer and the Environment Presented by Jennifer Liss Ohayon, PhD, Silent Spring Institute.

Video 2: Advances in Prevention and Early Detection of Breast Cancer Presented by Present by Colette Salm-Schmid, MD, FACS.

Video 3: Genetic Counseling and Hereditary Cancer Testing – Who May Benefit Presented by Presented by Sumedha Ghate, MS, CGC, Medical Genetics.

Video 4: Treatment Options for Advanced Breast Cancer and Research Based Innovative Therapies Presented by Presented by Dr. Umang Gautam, MD, Speciality: Hematology and Oncology.

Presentation regarding Using Local, State, and Federal Laws to Protect the Waters of NE WI.

A presentation was given on October 13 to the Fox Valley Sierra Club. We thank them for the donation towards our work. Another presentation is scheduled for November 30 for the UW-Manitowoc Democracy and Justice class.

Food Waste Composting Education to Reduce Organics in Our Landfills.

We are working with the Door County Compost Initiative by providing a food waste drop off location in Southern Door County. More information about food waste composting and drop off locations can be found at https://www.climatechangedoorcounty.com/door-community-compost-initiative

These Presentations Are Available from CWAC

Here is a list of current presentations that can be given in-person or via Zoom. Call or email us for scheduling. The presentations can be tailored to your group's geographic location, age, and available time. Also, contact us if you would like us to promote or co-sponsor your event or presentation.

- Citizen Action to Protect the Waters of Northeast Wisconsin
- Using Local, State, and Federal Laws to Protect the Waters of Northeast Wisconsin
- Communities on the Road to Zero Waste
- The Health Hazards of Burn Barrels
- The Health and Quality of Life Hazards from Manure Spraying
- The Health Threat from Coal Tar Pavement Sealants
- Micro-plastic Pollution from Clothing
- Food Waste Composting Made Easy

Newsletter Outreach

The fall newsletter, *The Good, The Bad, The Ugly. Environmental Gains and Losses in NE WI* was sent to 550 members in September There are a limited number of printed newsletters remaining if you would like to distribute them to a friend, group, or organization. Newsletters are also available on our website at: https://www.cleanwateractioncouncil.org/newsletter/

Get Our Weekly Update by Email

Each Tuesday we email the *CWAC Weekly Update* with *Actions, Permits, Jobs, Events, In the News Updates, and Resources*. Send us your information by Monday evening for posting the following day. If you are a member with an email address and you are not getting the *CWAC Weekly Update*, check your spam folder before emailing us to request to be put on the mailing list. If you are a member and getting more than one *Weekly Update*, let us know so we can fix that.

If you are reading this newsletter as a non-member, email us at contact@cleanwateractioncouncil.org to be placed on the free *Weekly Update* mailing list. Emails are sent via BCC to protect your privacy.

Outreach through Newspaper and Radio

CWAC sends press releases to local media, and we are often contacted to comment on developing environmental issues. Dean Hoegger was interviewed by WBDK radio regarding food waste composting and he spoke on the Eddie Allen show regarding breast cancer and the environment and coal tar pavement sealants.

Website Updates

Past newsletter issues can be found on the website as well as updated articles and additional resources at https://www.cleanwateractioncouncil.org/

Education By Attending Meetings with Other Environmental Groups

We attended many of the biweekly meetings with the No Back 40 Mine group and monthly meetings with directors of other state environmental groups.

CWAC Provides Interns with Valuable Learning Experiences.

We provide our interns with valuable experiences and strategies for managing a non-profit organization. We were pleased to have had Arianna Druecke as our fall intern.

We are thankful for the 2022 intern scholarships provided by Melissa Roulo, Tom and Elaine Delsart, Marge and Ken Bukowski, and Carl Hardtke of Windows of Wisconsin. The Sisters of St. Francis of the Holy Cross provided an intern scholarship for the Spring 2023 Semester. Contact us if you would like to learn more about sponsoring a student intern.

Other Actions

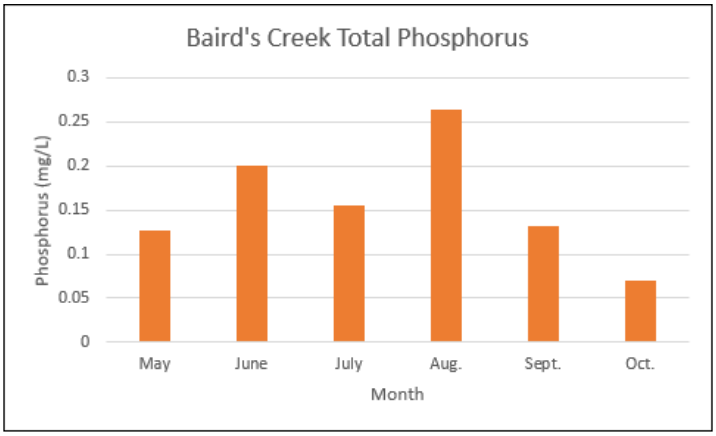
Water Sampling at Bairds Creek in Green Bay

We completed this season's water sampling of Bairds Creek in Green Bay as part or the Wisconsin DNR's Lower Fox River Watershed monitoring program. Participating in the program provides important data for the DNR, gives interns a valuable experience, and connects CWAC staff and interns with DNR staff.

DNR staffer Christopher Kolasinski provided us with data for total phosphorus, a harmful nutrient that flows to the East River and then Green Bay where it contributes to algal blooms and the development of "dead zones." He

noted, "The state standard for phosphorus in streams is 0.1 mg/L. If the creek is over that for the summer average, then it can be considered impaired. Baird's Creek average for this year is 0.16 mg/L, so it could be considered slightly impaired but certainly not bad."

It should be noted that the greater numbers in June and August represent samples taken a few days after a significant rain event, which suggests more needs to be done to control runoff from cultivated fields. For this reason, CWAC concentrated our cultivation monitoring efforts in this watershed and reported areas of concern to the Brown County Soil and Water Conservation office.



Citizen Complaints

Many of our more extensive actions, some requiring legal work, resulted from a follow-up of citizen complaints. Keep us in mind if you have an environmental concern, and our support is needed.

CWAC's Non-Profit Status

To learn more about our non-profit status and financials, go to the Wisconsin Department of Financial Institutions, Credential Lookup, and then go to Credential Search for Clean Water Action Council https://www.wdfi.org/ice/berg/Registration/Financials.aspx?chid=933009&h=1122515367

Climate Round Table Event

As an invited organization, we participate in the round table with eight other Door County Environmental groups to discuss actions related to climate change.

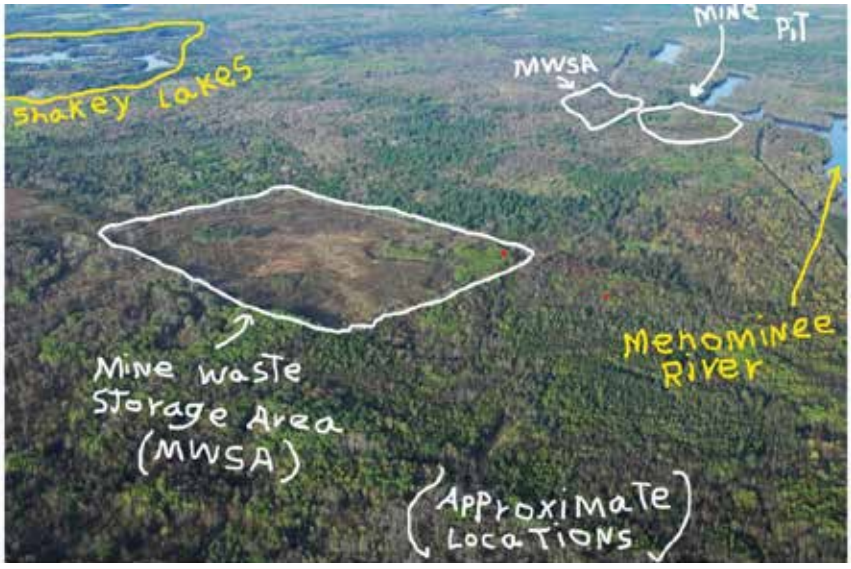
Monitoring for Illegal Winter Manure Spreading

We are working with the Environmental Law and Policy Center to verify winter manure spreading as identified by satellite imaging. We have assembled a team of verifiers to make on site observations from December through March.

Please follow us on Facebook.
Click here for our page: ***Facebook***

HAS THERE EVER BEEN A SAFE SULFIDE MINE?

Professor Al Gedicks to provide the latest update on the "Back Forty Mine" and other Wisconsin Mining Concerns



January 26, 6:30 PM CT via Zoom

Al Gedicks, Executive Secretary of the Wisconsin Resources Protection Council (www.wrpc.net), will give a presentation on the status of the "Back Forty Mine" and other Wisconsin mining concerns in Marathon and Taylor Counties, and why they pose a threat to human health and the environment.

Get the latest update and have your questions answered at this online event.

Register at: https://www.eventbrite.com/e/469347209137 You will receive an email confirmation of registration. You will receive a Zoom link a week before the event and a reminder the day before the event.

MARK YOUR CALENDAR! Meetings, Events and Happenings

HEARINGS:

Wednesday, December 7, 9:00 AM
Public Hearing on Permanent Rule, DG-22-20
Virtual Zoom Hearing

This public hearing is on the proposed rule Board Order DG-22-20, which revises Ch. NR 811, Wis. Adm. Code, to update, correct and clarify existing code requirements. Additional requirements will be discussed regarding new technologies related to community drinking water system sources, source water quality, storage, and treatment and distribution.

Pre-registration is strongly encouraged if you plan to provide spoken comments during the hearing. To pre-register, please complete the fillable appearance slip and submit it to DNRDGN811CodeRewrite@wisconsin.gov. You may also submit written comments on the scope statement to DNRAdministrativeRulesComments@wisconsin.gov by 11:59 p.m., on December 7.

For more information and to access the Zoom link visit: https://dnr.wisconsin.gov/calendar

EVENTS:

November 2022 to April 2023
1st, 3rd, and 5th Saturdays, 9:00 AM – 1:00 PM
Market on Military
Located in the Green Bay Plaza at the corner of W. Mason and Military Avenue

Enjoy the biggest winter market ever! Located indoors at the Green Bay Plaza next to Big Lots. Special events and entertainment each day, including a walking track, bounce houses, and 50 some vendors.

For more information visit: https://militaryave.org/news/market-on-military/

Saturday, Dec 10, Jan 21, Feb 4, and Feb 18, 8:00 AM – 12:00 PM
Winter Farmers Market Downtown Green Bay
KI Convention Center, Ballroom C, 333 Main St., Green Bay

As the cool weather comes in, stay warm at the Winter Market in the KI Convention Center. Find winter produce, baked goods, coffees & teas, cozy handcrafted goods, and more!

For more information visit: https://newleaffoods.org/calendar-of-events

December 9, 1:00 PM – December 11, 4:00 PM
Wisconsin Farmers Union 92nd Annual Convention
1000 Chula Vista Way, Wisconsin Dells, WI

The initial address to kick off the convention features Zach Ducheneaux of USDA Farm Service Agency Administrator. Friday from noon-4:30 PM, a presentation by Diane Mayerfeld from the Sustainable Agriculture Coordinator at UW-Madison Division of Extension, on climate smart agriculture in Wisconsin.

Saturday workshops include Farm Finances for Economic Resilience, How FSA & USDA can Support Family Farms, Pulling Together on Dairy Policy, and AG Outlook for the 2023 Farm Bill.

For more information visit: https://wisconsinfarmersunion.growthzoneapp.com/ap/Events/Register/jpGlDvZP?mode=Attendee

Saturday, December 10, 10:30 AM – 12:30 PM
Trek With a Naturalist
Devil's Lake State Park, Nature Center

This winter hike is designed for those who like active hiking! Trekking through the West Bluff/Tumbled Rock trail for a 2 ½ mile hike, the Naturalist will occasionally stop to interpret the bluffs' ecology as you hike. This program is best for teenagers and adults.

For more information visit: https://dnr.wisconsin.gov/events/63936 Please contact susan.johansenmayoleth@wisconsin.gov or +1-608-438-8810 for more information and questions.

Saturday, December 17, 2022
Oshkosh Audubon Christmas Bird Count

On the annual Oshkosh Christmas Bird Count (CBC), observers record all the birds seen or heard within a fifteen-mile diameter around Oshkosh in one day. In addition to the count, species seen during the count but not recorded on the count day are also included in the results. The Oshkosh CBC has been conducting these counts every year since 1964, and the results are submitted to the National Audubon Society and the Wisconsin Society for Ornithology.

If you are interested in participating please contact Tom Ziebell at cziebell@new.rr.com or 920-312-1976, to learn more and discuss the potential areas of intended observation.

Sunday, January 1, 2023, 1:00 – 2:30 PM
New Year's Day Birding
Evergreen Retirement Community/Sawyer Creek Nature Trail, Oshkosh

Celebrate the new year by getting out to watch birds and start your yearly bird list. Walking around the Evergreen buildings, you will get to check bird feeders and search for winter birds as you walk the nature trail. Time and weather permitting, you may also be able to visit nearby open water in search of waterfowl and gulls.

For more information visit: https://allevents.in/oshkosh/new-years-day-birding/200023554091256

January 24, 2023
Wisconsin Agricultural Outlook Forum
Union South on UW-Madison campus

Coverage during the morning session will include the traditional situation and outlook for Wisconsin agricultural industries, including dairy, corn and soybeans, and livestock and meat. The 2023 Wisconsin Agricultural Outlook Forum will feature an afternoon session focused on Climate Smart Diary in Wisconsin and will also be live streamed through YouTube.

For more information visit: https://renk.aae.wisc.edu/2023-agricultural-outlook-forum/

MARK YOUR CALENDAR!

January 26, 2023, 6:30 PM CT
Professor Al Gedicks to provide the latest update on the "Back Forty Mine" and other Wisconsin Mining Concerns
Virtual Zoom Meeting

Al Gedicks, Executive Secretary of Wisconsin Resources Protection Council (www.wrpc.net), will give a presentation on the "Back Forty Mine" and other Wisconsin mining concerns in Marathon and Taylor counties, and why they pose a threat to human health and environment.

Get the latest update and have your questions answered at this online event. You will receive an email confirmation of registration, and the Zoom link will be sent a week before the event with a reminder on the day before the event.

For more information and to register visit:
https://www.eventbrite.com/e/469347209137

January 28, 2023
Toward Harmony with Nature Conference
625 Pearl Ave, Oshkosh, WI

Presented by Wild Ones Fox Valley Area Chapter, join in-person or virtually for an exciting all-day program with six expert speakers, exhibitors and vendors, and network with like-minded natural landscaping enthusiasts.

The event will feature keynote speaker Stanley A Temple that will highlight Aldo Leopold's concept of "land health" being a central goal of "land ethic" which provides a moral compass for living sustainably on Planet Earth. Leopold regarded ecological resilience as one of the pillars of land health. Speaker Jennifer J. Wilhoit will discuss native species and ecotones, highlight the importance of conserving, restoring, and maintaining ecotones in native plantings and landscapes.

For more information visit:
https://www.towardharmonywithnature.org

February 28 – March 1, 2023
24th Annual Fox-Wolf Watershed Conference
Oshkosh Convention Center, Oshkosh, WI

Join one of Wisconsin's largest watershed conferences. Past attendees have included stormwater engineers, professors, community leaders, government entities, local elected officials, concerned citizens, and more!

For more information and to register visit:
https://fwwa.org/events-calendar-fwwa/conference/

Save the Date: April 20, 2023, 6:00 PM – 11:00 PM
Clean Water Action Council Earth Week Banquet
Riverside Ballroom, 1560 Main St., Green Bay

Please contact us at contact@cleanwateractioncouncil.org or (920) 421-8885, if you have an item you would like to donate for the silent auction.

HERE ARE SOME SIGNIFICANT ACTIONS THAT MEMBER DONATIONS SUPPORTED IN 2022. THANK YOU!

- Published quarterly newsletters to educate and inform members and the public: *Using Local, State, and Federal Laws to Protect the Waters of NE WI, Cancer and the Environment-Understanding and reducing the risk from toxins in the environment, Recognizing and Preparing for Climate Change in Wisconsin,* and *The Good, The Bad, and the Very Ugly-Environmental Gains and Losses in NE WI.*
- Provided 1100 recipients an emailed *Weekly Update* with actions, permits, events, important news, and resources.
- Continued participation in two petitions to the EPA and was a party to legal actions to protect the Spills Law and protect citizens from PFAS pollution.
- Continued to educate municipal officials about the cancer threat from coal tar pavement sealants. Luxemburg passed a ban on the product.
- Gave presentations to six organizations about using laws to protect the waters of NE WI.
- With Door County Environmental Council, we cosponsored "Warmer, Wetter, and Wilder. Anticipated Effects of Climate Change on Door County, Green Bay, and Lake Michigan" presented by Bart De Stasio.
- Participated in regular meetings with the statewide environmental organizations, the No Back 40 Mine group, scheduled meetings with staff from Midwest Environmental Advocates, and one with the EPA.
- Maintained an office at UW-Green Bay and hosted five student interns.
- Participated as an invited organization in the "Climate Round Table" at Third Avenue Playhouse, Sturgeon Bay.
- Promoted food waste composting by providing workshops, at cost composters for sale, providing free composters to schools, and providing a food waste drop off site.
- Monitored for proper cultivation setbacks from streams and reported potential violations to soil and water departments.
- Conducted water sampling for WDNR's Lower Fox River Watershed water quality monitoring.
- Organized a team of verifiers to work with the Environmental Law and Policy Center to monitor for illegal winter manure spreading this coming winter.
- Organized and hosted the conference, "Breast Cancer and the Environment & Advances in Detection and Treatment" at UW-Green Bay with four experts in their field. Recorded the presentations and posted to our YouTube site.

* JOB POSTING *

CWAC Seeks New Executive Director

Applications Being Accepted

The Clean Water Action Council of NE Wisconsin is seeking a new Executive Director. The current director will be stepping down to accept the position of Education Director and will provide guidance to the new hire. This half-time position with flexible hours offers the opportunity to guide the organization, founded in 1985, into the next decade. Work at the UW-Green Bay office with college interns, board members, and volunteer members to carry out the mission of protecting human health and the environment in NE Wisconsin. Help determine priority issues and actions with this well-established organization.

For a complete job description, salary, and application instructions, send an email to contact@cleanwateractioncouncil.org with Director's Job Description in the subject line.

The position remains open until filled.

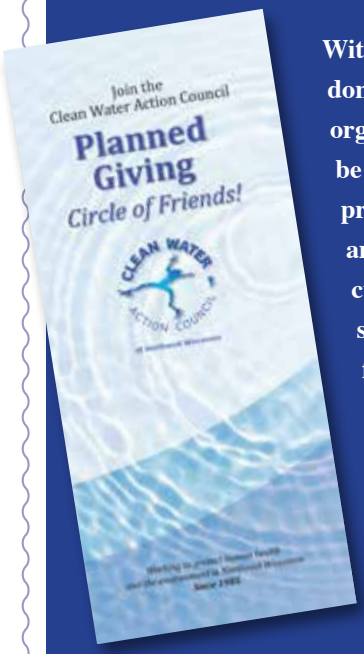
Thank you!

Carole A. Wood
for technology upgrades.

Thank you!

Sisters of St. Francis
of the Holy Cross
for an intern scholarship for the Spring 2023 Semester.

Join Our Planned Giving Circle of Friends



Without planned giving donations or legacies, our organization would not be able to do the work of protecting human health and the environment at its current level. Please consider supporting our endowment fund at the Greater Green Bay Community Foundation with a gift in your will or bequest.

Contact us for a Planned Giving Brochure

Have you renewed your membership for 2023?

See your newsletter label or email notice which indicates the last year that you renewed.

Join or Renew Your Membership to Clean Water Action Council for 2023!

☐ Renewal ☐ New Member Date_____

( ) $25 Individual ( ) $35 Family **(this amount would really help)**

( ) $50 Sustaining ( ) $100 Donor ( ) $500 Benefactor

( ) Non-member donation of $ _____for_____

( ) Other $_____

( ) Please send me information about making a planned gift to CWAC

Name(s)_____

Address _____

City _____State _____ Zip _____

Phone _____

E-mail _____

Receive FREE newsletters with each membership.

Please choose one...

☐ Printed version ☐ E-mailed version

PLEASE VOLUNTEER!
(BE SURE TO PROVIDE PHONE NUMBER ABOVE)

☐ the newsletter ☐ events ☐ work at office ☐ mailings

☐ joining or leading one of the committees ☐ other

Send check or money order to: **Clean Water Action Council**
P.O. Box 9144
Green Bay, WI 54308

CWAC is a registered non-profit organization.
Your contributions may be tax-deductible. ***Thank you!***

Office location:
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www.cleanwateractioncouncil.org

Find us on Facebook or updates on hearings and current or upcoming events.

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TIME TO RENEW for 2023!

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For previous newsletters, go to: www.cleanwateractioncouncil.org/newsletter/