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When “Up” is “Down”
Trying to understand last minute deals taking away local powers
By Senator Kathleen Vinehout

A last-minute budget amendment has folks in Western Wisconsin very worried.

Locals have spent seven years negotiating with large sand mines to reach agreements that allow neighbors and mines to co-exist. In some cases, locals decided certain sensitive and tourist areas needed protection from mines.

All the careful negotiations appear poised to go out the window in a strangely evolving budget deal that seems to affect quarries – or, as we often know them, gravel pits.

First, in full disclosure, my farm is located next door to a quarry. My neighbor crushes rock for construction projects. The details I provide here will personally affect my family.

Late Tuesday night last week, the public and minority members of the budget writing committee got their first look at a transportation deal. The deal was to break the impasse that’s stymied budget passage for four months. Buried in the amendment was language that stopped all local oversight of quarries using sand, rock and gravel for road projects.

The next morning, I received several calls from local government officials who wanted to know if the budget writing committee had taken away local powers to oversee sand mines and quarries. Locals worried details were never made public until after supper, when most folks were getting their little ones off to bed, and voted on the same night, when most had gone to bed.

At first, no one seemed to know the origin of the idea to remove any oversight of quarries by locals. Why take away local powers related to gravel pits? There are hundreds of gravel pits across Wisconsin. Some are idle, some are large, some are very small. But they are everywhere.

The budget amendment was comprehensive and dealt with many of the issues written in previous attempts to take away local oversight of sand mines. The proposal would stop locals from requiring a quarry to get a zoning permit, including a site that has not

previously been developed as a mining pit. Locals could not set limits on explosives or other types of blasting, on noise, the number of trucks leaving a mining pit, and the hours of mining operation. The proposed law forbids locals from setting air or water standards, or putting any type of restrictions related to monitoring air quality or water quality or quantity.

I've heard from local elected leaders and citizens all across western Wisconsin who do not like lawmakers taking away any local powers. And they certainly did not like this.

But when this proposal became public I also heard from interest groups that the plan DID NOT GO FAR ENOUGH in taking away local control.

In what must be the strangest “up” is “down” memo I've ever seen, Wisconsin Manufacturers and Commerce (WMC) and others asked lawmakers to get rid of the quarry provisions because they did not go far enough.

Remember, this amendment is taking away local powers, not rewriting state laws adding more local powers.

WMC wrote, “...*there is no getting around the fact that the Republican-controlled Legislature will have granted expanded environmental regulatory powers to municipalities... This Legislature has done so much to turn our state around. Now is not the time to begin turning that progress back by deciding which Wisconsin industries can be subject to significant regulatory overreach by local governments.*”

A local county official had a very different description of what the late-night budget motion did.

“It comes within a 16th of an inch of including sand mines to say nothing of how it takes away our local control. They will be blasting and crushing rock all night, all summer long. Why don't they trust local officials? Who is going to take the complaints we get? Somebody went to a lot of trouble to write this amendment if all they wanted to limit were quarries.”

Somebody indeed. A few hours later, I learned sand mines were included in the amendment, as late as Sunday evening of Labor Day weekend.

Late night secret dealings. No notice to local elected officials. No local powers to say “no”. An “up” is “down” memo. The public left out in the cold.

The vote is “no”!