

March 14, 2017

Wastewater Permitting and Enforcement

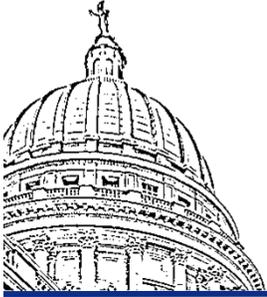
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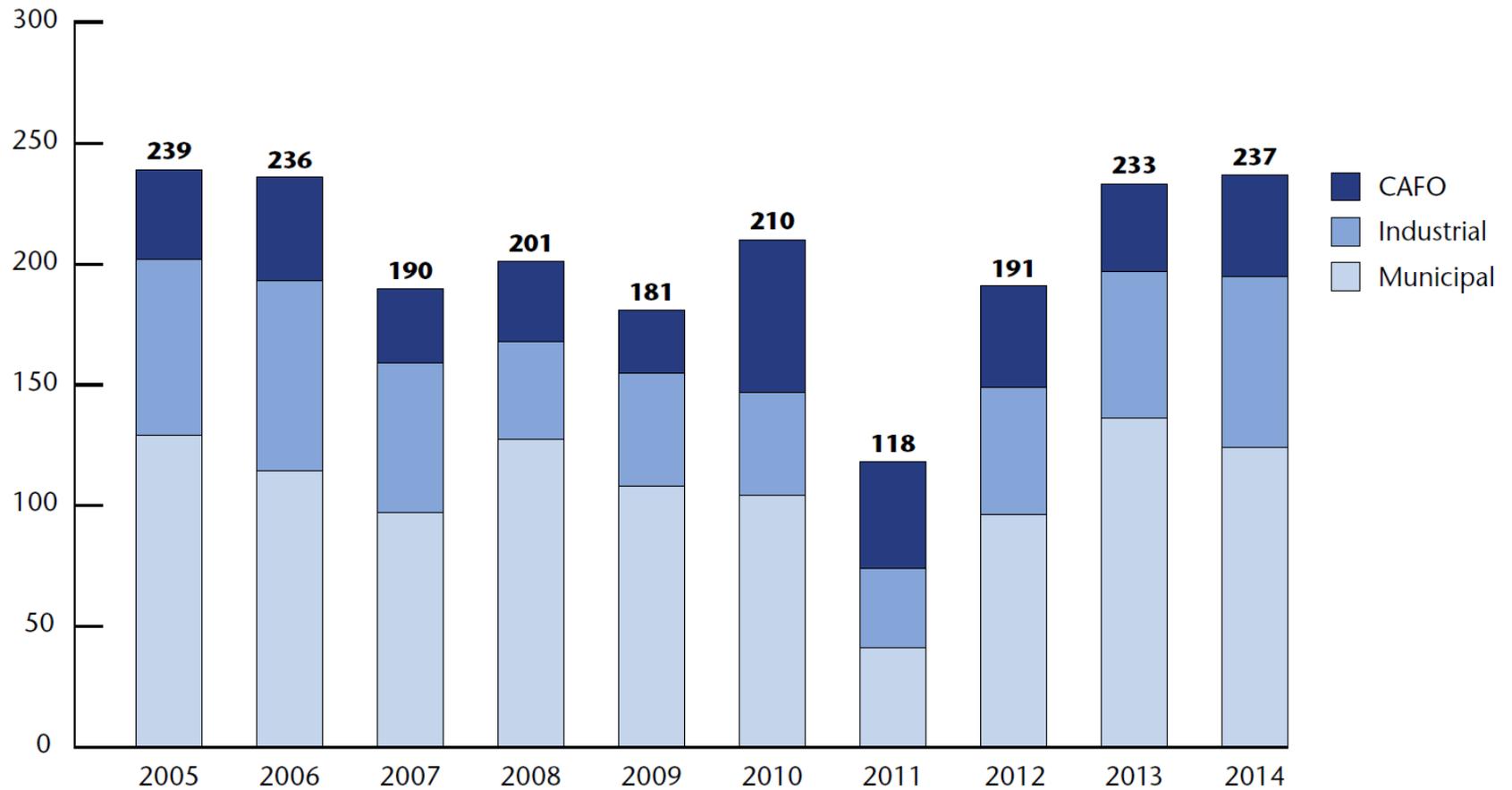


Expenditures and Fees

- Expenditures increased from \$9.3 million in FY 2005-06 to \$10.4 million in FY 2014-15.
- Most fees paid by permittees are deposited in the State's General Fund.
- Total fee revenue declined from \$6.2 million in FY 2005-06 to \$5.4 million FY 2014-15.



Number of Permits Issued





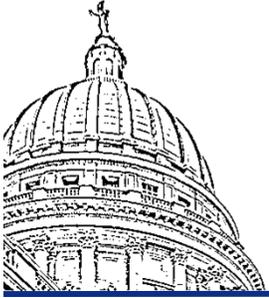
Backlogged Permits

Year ¹	Municipal Permits	Industrial Permits	CAFO Permits
2005	6.0%	13.9%	13.6%
2006	4.7	13.2	13.2
2007	6.8	16.3	10.4
2008	10.0	19.4	13.6
2009	14.1	21.6	11.9
2010	19.0	27.4	13.5
2011	26.1	37.1	13.7
2012	30.1	43.9	15.1
2013	29.8	36.0	15.4
2014	27.6	27.0	9.9
2015 ²	22.5	27.7	9.9

Shaded cells indicate DNR did not meet its backlog goal: no more than 10 percent for municipal and industrial permits and no more than 15 percent for CAFO permits.

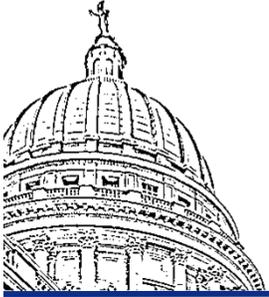
¹ Based on July of each year.

² Based on unaudited data reported by DNR.

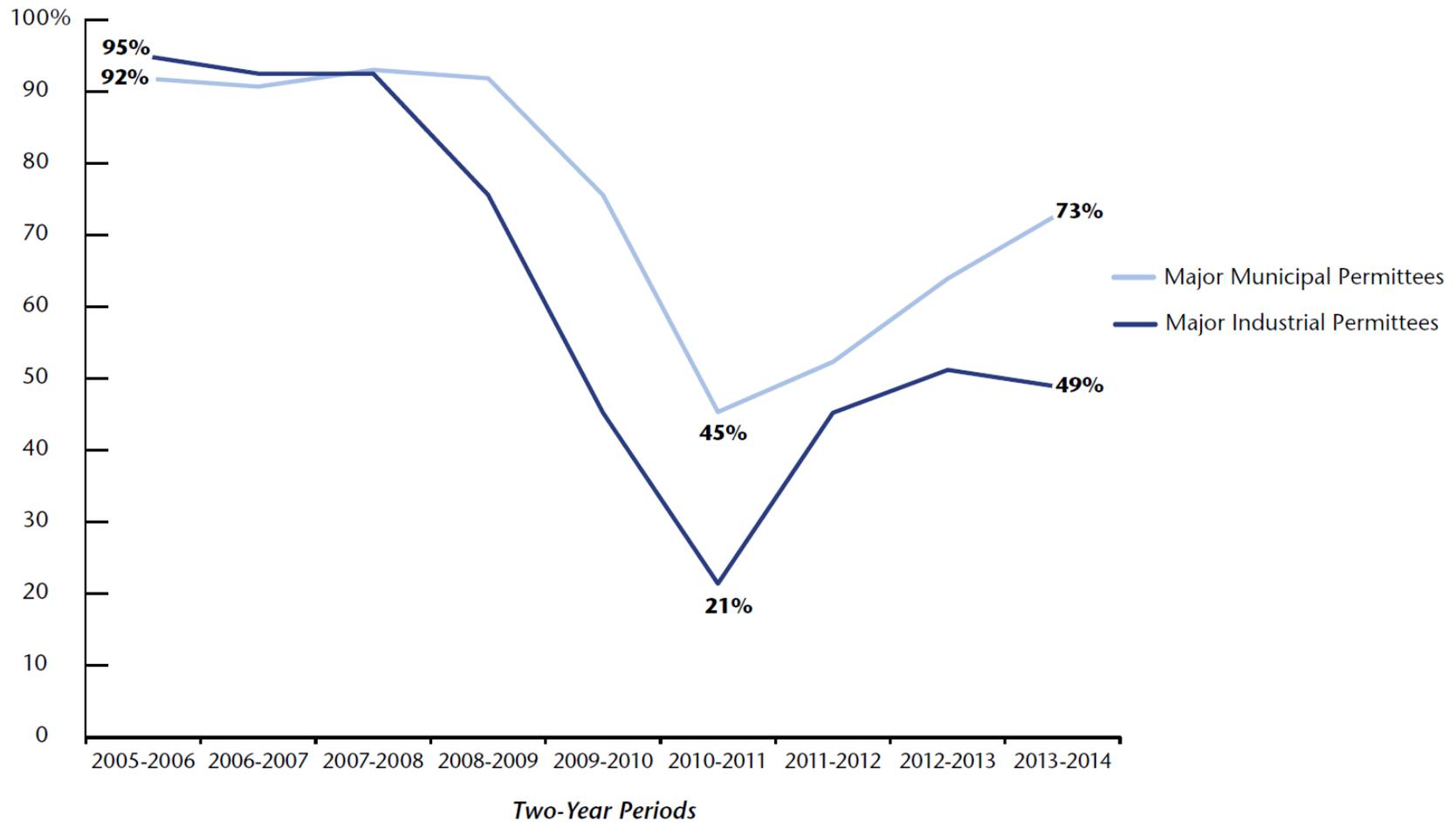


DNR Inspection Goals

- Inspect every major municipal and industrial permittee at least once every two years.
- Inspect every minor municipal and industrial permittee at least twice during each five-year permit term.
- Inspect every CAFO at least twice during each five-year permit term.

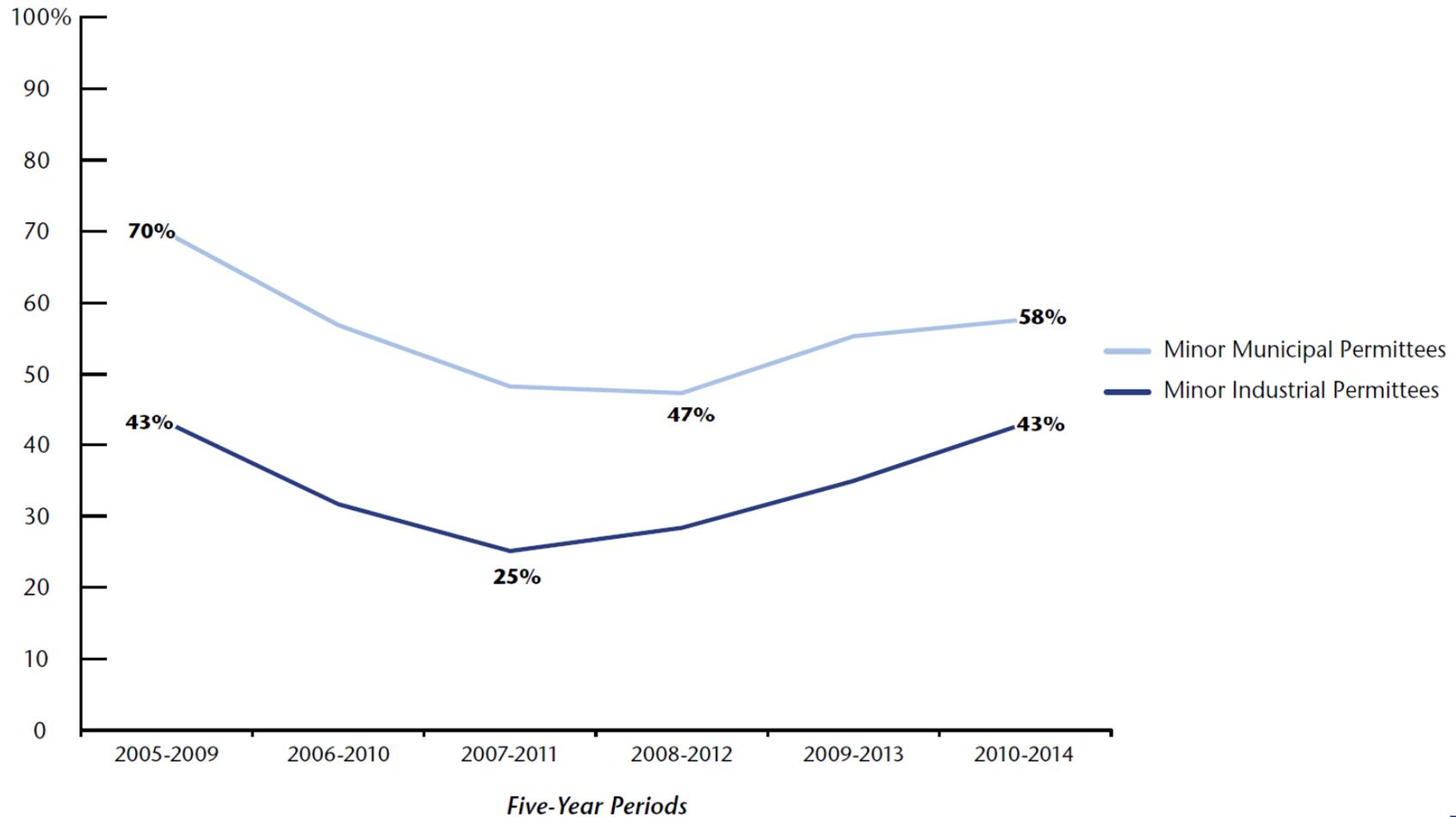


Percentage of Major Permittees Inspected at Least Once in Each Two-Year Period





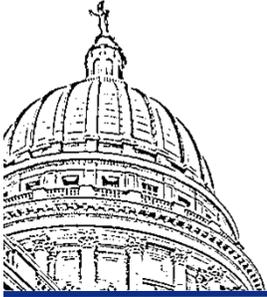
Percentage of Minor Permittees Inspected at Least Once in Each Five-Year Period





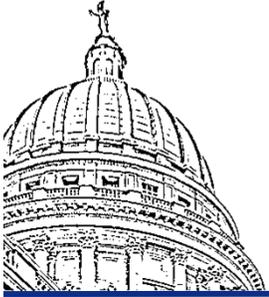
Inspection of CAFO Permittees

- The extent to which DNR met its CAFO inspection goal increased from a low of 20 percent from 2005 through 2009 to a high of 48 percent from 2010 through 2014.
- From 2006 through 2014, records indicate that DNR conducted inspections after the permits of 17 CAFO permittees had already been reissued.
- We also found significant differences in the extent to which DNR achieved its inspection goals for CAFO, municipal, and industrial permittees among its five regions.



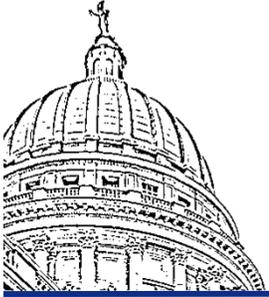
Notices of Violation for Municipal and Industrial Permittees

- DNR issued notices of violation for only 33 of the 558 instances (5.9 percent) for which a notice of violation should have been issued from 2005 through 2014.
- Of the 33 notices of violation that DNR issued, 17 (51.5 percent) did not address all of the effluent and reporting violations for which a notice of violation should have been issued.
- DNR issued neither a notice of violation nor a notice of noncompliance in 83.7 percent of the instances in which a notice of violation should have been issued.



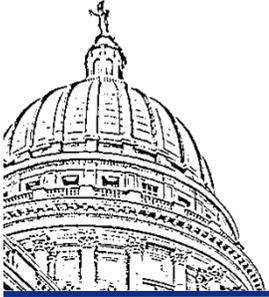
CAFO Enforcement Actions

- From 2005 through 2014, the percentage of CAFO permittees for which DNR took at least one enforcement action varied from:
 - 17.6 percent in the Northern Region to
 - 56.8 percent in the Northeast Region.
- The Northeast Region was an outlier and 19 of the 20 CAFO permittees for which DNR took five or more enforcement actions were located in this region.



Recommendations

- Develop and implement a plan to further reduce the permit backlog.
- Improve its performance in meeting its inspection goals and conducting timely inspections.
- Ensure that records of all inspections and determinations of substantial compliance are electronically recorded.
- Regularly assess its performance in issuing notices of violation and develop a strategy to increase the consistency between its enforcement policies and its practices.



Ongoing Issues

- In October 2015, DOA directed DNR to request a statewide multi-discharger variance from EPA for newly developed phosphorus limits based on the cost to permittees if implemented. EPA approval was announced February 6, 2017.
- DNR is in the process of addressing 75 issues with the statutes and rules governing the WPDES program that EPA identified.
- DNR is determining how best to address the recommendations of five workgroups regarding unsafe levels of nitrates and bacteria found in wells in Kewaunee County.

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