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State Representative • 3rd Assembly District

**SB 190
Wastewater Discharge Permits
Senate Committee on Natural Resources
June 5, 2013**

Thank you for the opportunity to testify on behalf of Senate Bill 190 (SB 190), which modifies the number of wastewater discharge permits that may be issued to a municipal wastewater treatment facility.

I am the author of the Assembly companion bill (AB 215), and I am pleased to be working with Senator Kedzie to advance this important water quality measure.

The Department of Natural Resources (DNR) is working to implement innovative new approaches to manage and improve water quality in Wisconsin. Tools such as Adaptive Management and Water Quality Trading within a watershed can provide cost-effective and flexible options for local governments and businesses to work together in significantly improving water quality in our rivers, lakes and streams.

Under current law, however, the DNR can only issue one Wisconsin Pollutant Discharge Elimination System (WPDES) permit to municipal wastewater treatment facilities. This restriction limits the Department's ability to fully implement watershed-wide management tools.

SB 190 eliminates the prohibition on issuing more than one WPDES permit to municipal wastewater treatment facilities.

Eliminating this prohibition will allow the Department to issue pollutant specific "watershed permits" for all facilities – municipal and industrial – within the same watershed basin.

Despite the possible issuance of an additional watershed permit, according to the DNR, there will be no additional costs to businesses or local governments for such a permit.

SB 190 makes a small change in current law, which could yield big results for water quality in Wisconsin. This commonsense measure should ultimately provide municipal wastewater treatment facilities with additional cost-effective and flexible options for meeting mandated water quality standards. This bill truly makes a watershed approach to clean water possible.

Thank you for your time and for your consideration of SB 190.



Testimony on Senate
Bill 190
Senate Natural Resources Committee
June 5, 2013

Chairman Kedzie and members of the committee, my name is Susan Sylvester, Water Quality Bureau Director, WDNR. Thank you for the opportunity to provide testimony for informational purposes regarding watershed permitting.

Current law only allows the issuance of one non-storm water permit to a municipality. The proposed language before you will allow issuance of an additional permit within a watershed. A watershed is area that drains to a common waterway, such as a stream, lake, estuary, wetland, aquifer, or even the ocean – we all live in a watershed.

A watershed permit is a single permit that can cover multiple sources assisting to implement and more economically achieve pollutant reduction goals. A watershed permit also allows several point sources within a watershed to apply for and obtain coverage under the same permit.

Where conditions are right for this approach, watershed-based permits promote holistic pollutant reductions and provide the opportunity for innovative and cost optimizing methods to reduce phosphorus loads through water quality trading or adaptive management. In addition to promoting economical environmental results, other possible benefits of watershed-based permits include:

- Integration of watershed protection programs under the Clean Water Act and the Safe Drinking Water Act to better protect both surface and groundwater.
- Coordinated public involvement in the permitting process and reduced workload for issuance of permits saving both the permittees and the State money and time.
- Cooperation and collaboration among point source dischargers and other key stakeholders within the watershed to find more cost effective means of achieving pollutant reduction goals.
- Allows issuance of a single watershed permit to more efficiently implement TMDLs. The TMDL process is an EPA required pollutant load evaluation and to properly implement it we need to be able to issue watershed Permits.

Passage of this language will allow the use of watershed permits to effectively control nutrients such as phosphorus helping promote clean lakes and rivers and our tourism industry. Without watershed permits, innovative techniques to address phosphorus such as water quality trading and adaptive management become much more difficult to implement for both the DNR and permittees.

Again, thank you for the opportunity to testify.



**Testimony of Amber Meyer Smith, Director of Programs and Government Relations
SB 190
Senate Natural Resources and Environment Committee
June 5, 2013**

Clean Wisconsin is a non-profit environmental advocacy group focused on clean water, clean air and clean energy issues. We were founded forty three years ago as Wisconsin's Environmental Decade and have 20,000 members and supporters throughout the state.

I am here today to whole-heartedly support SB 190 as a way to reduce red tape related to watershed-based permitting, which is a key approach to cleaning up our waterways. We'd like to thank Senator Kedzie and Representative Ott for authoring the bill and thank the long list of bipartisan cosponsors for lending their support.

Clean Wisconsin has been dedicated to efforts to control phosphorus for decades, and helped create the phosphorus rules and the innovative and cost-effective Adaptive Management Option (AMO) of the rules. The Adaptive Management Option allows industrial and municipal point source dischargers to partner with agricultural or other nonpoint source dischargers to achieve the highest phosphorus reductions at a much lower cost than bricks and mortar control at plants.

Clean Wisconsin is heavily invested in helping the Adaptive Management Option of the phosphorus rules work on the ground, and we are committing our resources not only to enacting the rules, but to making sure they are workable. We are helping facilitate Adaptive Management in watersheds around the state.

But this flexible Adaptive Management approach is facing a technical obstacle in the current statutes which prohibits permittees from having more than one wastewater discharge permit; thereby making a watershed permit process impossible. Individual permits tend to be on different timelines and have different requirements, hindering the ability of several permittees to work together towards a common goal with a common end date. A watershed permit would also eliminate discrepancies between individual permits that place some permit holders at a disadvantage compared to others, such as staggered compliance timelines.

If not resolved, this obstacle will no doubt be an issue for the Fox/Wolf watershed, which is currently exploring the Adaptive Management Option as a strategy to reduce phosphorus. This is a big watershed, with over 100 industrial and municipal permittees. If they are allowed to elect into a unified watershed permit, then permittees will get the benefit of a united timeline, shared costs and data and workable plans. A watershed permit will help all permittees share available resources and invest everyone in meeting shared goals. It would decrease confusion, increase cooperation and decrease costs.

Two other watersheds looking at clean-up efforts are the Yahara Watershed in Southcentral Wisconsin and the Tainter-Menomin Watershed in Northwestern Wisconsin. The Yahara Watershed Improvement Network (Yahara WINs) has already brought together industry, agriculture, environmentalists, local governments, and Madison Metropolitan Sewerage District in a bipartisan, cooperative effort to begin enacting these phosphorus controls. So far, 25 farms are part of the project, and all parties are coming together to determine how to clean up the watershed. The Tainter Menomin watershed is just beginning to look at Adaptive Management as a future tool for meeting water quality standards. The issuance of a watershed permit in these areas would help streamline planning efforts and get new projects off the ground more quickly.

There is no doubt that the Adaptive Management Option is an innovative approach to controlling phosphorus, and like all innovative solutions, it will take a big effort to make sure the implementation works. This Legislature has already helped in that respect with the passage of SB 10, which was signed into law in March, and will allow Clean Water Funds to be used for these projects. SB 190 is an easy way to remove another statutory barrier.

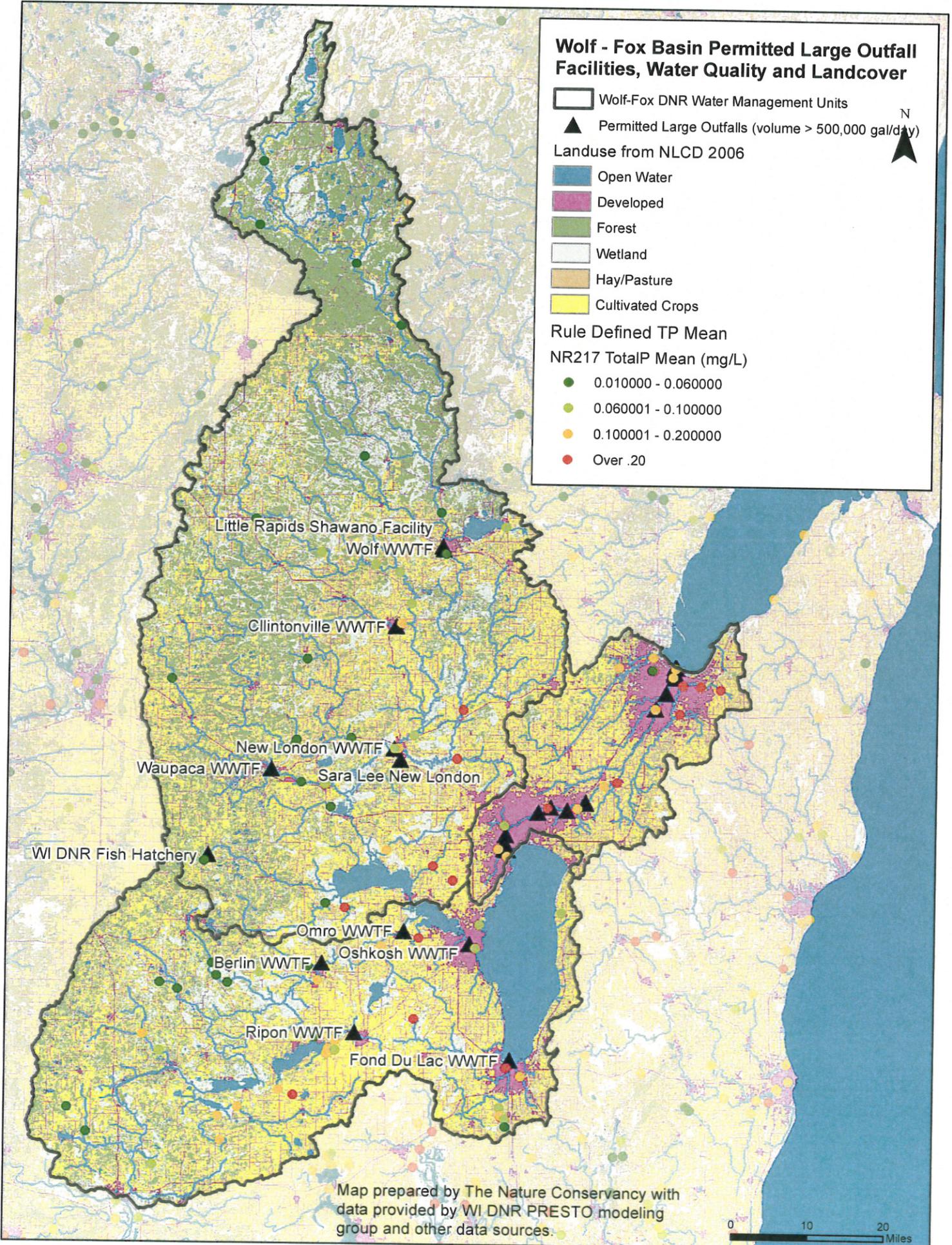
Clean Wisconsin and many others are committing resources to this effort already for the Fox Wolf Watershed and for Dane County's project. There are frustrations and a lot of misinformation regarding phosphorus rules, and we are committed to improving implementation and education for permit holders. By removing the obstacles to current law, SB 190 gets us one step closer to that cooperative goal.

Wolf - Fox Basin Permitted Large Outfall Facilities, Water Quality and Landcover

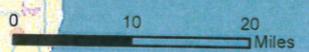
Wolf-Fox DNR Water Management Units
▲ Permitted Large Outfalls (volume > 500,000 gal/d/ty)

Landuse from NLCD 2006
 Open Water
 Developed
 Forest
 Wetland
 Hay/Pasture
 Cultivated Crops

Rule Defined TP Mean
NR217 TotalP Mean (mg/L)
● 0.010000 - 0.060000
● 0.060001 - 0.100000
● 0.100001 - 0.200000
● Over .20



Map prepared by The Nature Conservancy with data provided by WI DNR PRESTO modeling group and other data sources.





SB 190: A Watershed Approach to Water Quality
Statement of Jennifer Giegerich
Wisconsin League of Conservation Voters
June 5, 2013

Good morning. I am Jennifer Giegerich, Legislative Director for Wisconsin League of Conservation Voters. Thank you for this opportunity to testify on SB 190. We would like to thank Chairman Kedzie and Representative Al Ott for bringing this bill forward. The long, politically and regionally diverse list of co-sponsors speaks to the broad support for SB 190.

Phosphorous pollution is one of the greatest threats to Wisconsin's water. It runs off of farms, parking lots, and development sites and can also be discharged from wastewater treatment plants and other facilities. Phosphorous pollution plagues our rivers, lakes, and streams, causing noxious algae blooms and even fish kills. According to the Department of Natural Resources, of the more than 700 waterbodies on Wisconsin's impaired waters list, one-quarter fail to meet water quality standards due to phosphorus pollution.

SB 190 will allow DNR to issue pollution discharge (WPDES) permits for a watershed in addition to specific point sources. Wisconsin, like many states, has struggled to balance the costs and effectiveness of reducing non-point pollution from farms and development with the pollution that is directly released from point sources. Adaptive management gives the Department of Natural Resources more ability to limit the cumulative impact of all pollution sources within a watershed. This is a simple bill that could have tremendous impact on Wisconsin's water quality.

We ask that you support SB 190, which is a win for citizens who want to protect the environment, as well as for local governments and business who want cost-effective solutions to reduce water pollution.

Thank you.