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☞ **06/05/2013 Public Hearing**

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2013-14

(Session)

Senate

(Assembly, Senate, or Joint)

**Committee on ...
Natural Resources
(SC-NR)**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... **HR** ... **bills and resolutions** (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (December/2014)

Senate

Record of Committee Proceedings

Natural Resources

Senate Bill 190

Relating to: the number of wastewater discharge permits required for a publicly owned sewage treatment facility or system.

By Senators Kedzie, Miller, Schultz, Jauch, Cowles, Shilling, T. Cullen, Grothman, Lehman, Vinehout and Hansen; cosponsored by Representatives A. Ott, Danou, Barnes, Berceau, Bernard Schaber, Bernier, Bewley, Bies, Billings, Brooks, Clark, Czaja, Goyke, Hesselbein, Kahl, Kaufert, Kleefisch, Kolste, Krug, LeMahieu, Loudenbeck, Milroy, Mursau, Nerison, Ohnstad, Petryk, Riemer, Ripp, Shankland, Smith, Tauchen, Tittl, Wachs, Jacque and Endsley.

May 23, 2013 Referred to Natural Resources

June 05, 2013 **Public Hearing Held**

Present: (4) Senator Kedzie; Senators Moulton, Tiffany and Miller.

Absent: (0) None.

Excused: (1) Senator Wirch.

Appearances For

- Neal Kedzie - Senator - 11th Senate District
- Al Ott - Representative - 3rd Assembly District
- Amber Meyer-Smith - Clean Wisconsin
- Jennifer Geigerich - WI League of Conservation Voters

Appearances Against

- None.

Appearances for Information Only

- Susan Sylvester - WI Department of Natural Resources

Registrations For

- George Meyer - WI Wildlife Federation

Registrations Against

- None.

Registrations for Information Only

- None.

June 06, 2013

Executive Session Held

Present: (5) Senator Kedzie; Senators Moulton, Tiffany,
Miller and Wirch.

Absent: (0) None.

Excused: (0) None.

Moved by Senator Miller, seconded by Senator Tiffany that **Senate Bill 190** be recommended for passage.

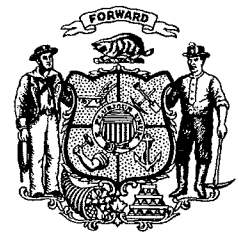
Ayes: (5) Senator Kedzie; Senators Moulton, Tiffany,
Miller and Wirch.

Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 5, Noes 0



Dan Johnson
Committee Clerk



Vote Record Natural Resources

Date: _____

Moved by: MILLER Seconded by: TIFF

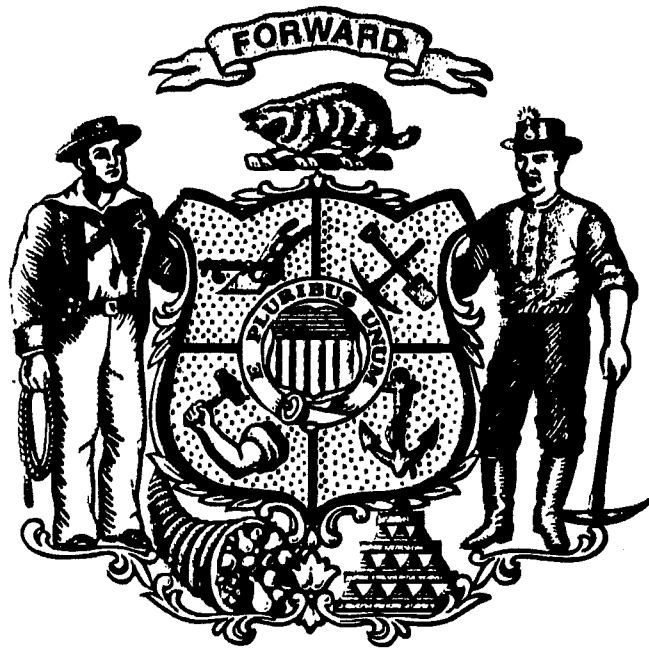
AB _____ SB 190 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Neal Kedzie, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Terry Moulton, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Thomas Tiffany	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Mark Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	_____	_____

Motion Carried Motion Failed



Senate

PUBLIC HEARING

Natural Resources

The committee will hold a public hearing on the following items at the time specified below:

Wednesday, June 5, 2013
9:30 AM
300 Southeast
State Capitol

Assembly Bill 112

Relating to: telecommunications systems installed on tower sites under the management and control of the Department of Natural Resources and the suspension of portions of a rule of the Department of Natural Resources.

By joint committee for review of Administrative Rules.

Senate Bill 115

Relating to: telecommunications systems installed on tower sites under the management and control of the Department of Natural Resources and the suspension of portions of a rule of the Department of Natural Resources.

By joint committee for review of Administrative Rules.

Senate Bill 189

Relating to: a citation procedure applicable to wetland discharge violations, sturgeon spearing license issuance period, electronic methods for reporting natural resource and environmental law violations, publication of class 1 notices, air dispersion modeling requirements, and membership on the Dry Cleaner Environmental Response Council.

By Senator Kedzie; cosponsored by Representatives Mursau, A. Ott, Bies, Ballweg and Brooks.

Senate Bill 190

Relating to: the number of wastewater discharge permits required for a publicly owned sewage treatment facility or system.

By Senators Kedzie, Miller, Schultz, Jauch, Cowles, Shilling, T. Cullen, Grothman, Lehman, Vinehout and Hansen; cosponsored by Representatives A. Ott, Danou, Barnes, Berceau, Bernard Schaber, Bernier, Bewley, Bies, Billings, Brooks, Clark, Czaja, Goyke, Hesselbein, Kahl, Kaufert, Kleefisch, Kolste, Krug, LeMahieu, Loudonbeck, Milroy, Mursau, Nerison, Ohnstad, Petryk, Riemer, Ripp, Shankland, Smith, Tauchen, Tittl, Wachs, Jacque and Endsley.

Assembly Bills

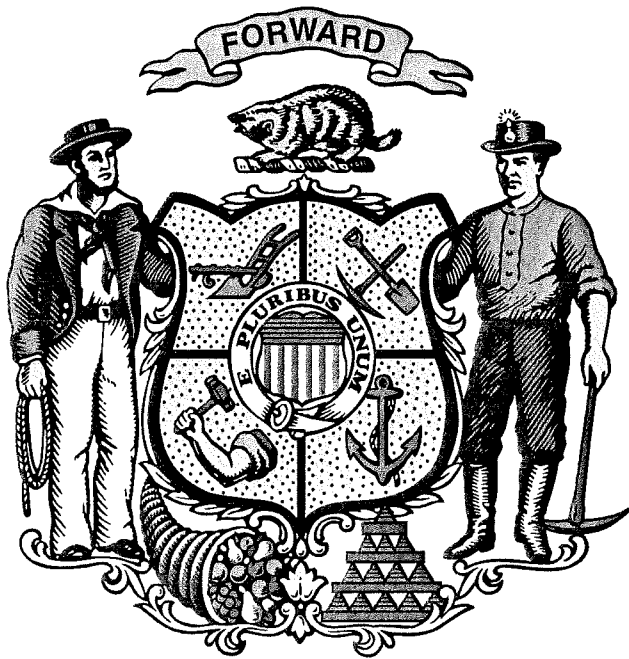
Andrew Stewart

DRR to testing

DRR to testing

Neal J. Kedzie

Senator Neal Kedzie
Chair



Phosphorus -
Waste Water Discharge¹

Testimony of Senator Neal Kedzie
Senate Bill 190
Senate Natural Resources Committee
June 5, 2013

Good morning Mr. Chairman and members of the Committee. Thank you for your consideration of Senate Bill 190, which I am co-authoring with Representative Al Ott.

This bill came to my attention at the request of the Administration, and of Representative Ott, who is authoring the Assembly companion bill.

In 2009, the Legislature approved comprehensive DNR rules to address water quality standards, specifically as it relates to phosphorus in lakes, rivers, and streams.

While that rule had many components, one in particular allowed for adaptive management to ensure point and non-point sources contribute to the solution for a specific watershed in the proportion they contribute to the phosphorus problem.

In order to implement this watershed approach, the DNR would need to issue a "watershed" wastewater discharge permit to a municipal or industrial facility.

However, under current law, the DNR may only issue one such permit to a municipal facility. SB 190 removes the 'one permit' restriction and thus, allows for ~~the~~ watershed permit to be issued.

more than one

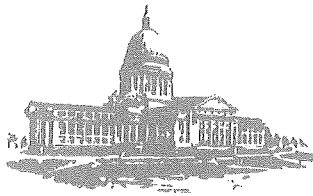
Not only would this change in law create a more adaptive management approach as intended in the 2009 rules, but also allow for trading among the facilities within the same watershed.

credits

We see this as both a benefit to the environment and the economy, and hope the Committee will give favorable consideration to this strongly supported, bi-partisan bill.

Again, thank you for your review of Senate Bill 190 and I am happy to answer any questions you may have.





A1 Ott

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.

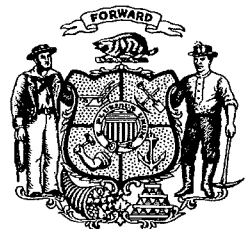
Despite the possible issuance of an additional watershed permit, according to the DNR, there will be no additional costs to businesses or local governments for such a permit.

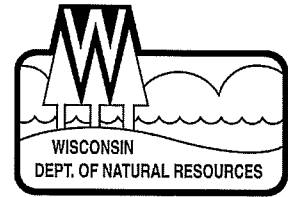
SB 190 makes a small change in current law, which could yield big results for water quality in Wisconsin. This commonsense measure should ultimately provide municipal wastewater treatment facilities with additional cost-effective and flexible options for meeting mandated water quality standards. This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

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



WISCONSIN STATE LEGISLATURE





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:

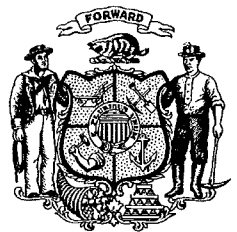
- Integration of watershed protection programs under the Clean Water Act and the Safe Drinking Water Act to better protect both surface and groundwater.
- Coordinated public involvement in the permitting process and reduced workload for issuance of permits saving both the permittees and the State money 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. (PT. & NON-PT. Load)

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.



WISCONSIN STATE LEGISLATURE





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.

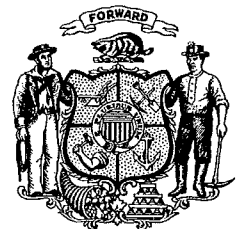
SB 190 will allow DNR to issue pollution discharge (WPDES) permits for a watershed in addition to specific point sources. Wisconsin, like many states, has struggled to balance the costs and effectiveness of reducing non-point pollution from farms and development with the pollution that is directly released 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.



WISCONSIN STATE LEGISLATURE





**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.

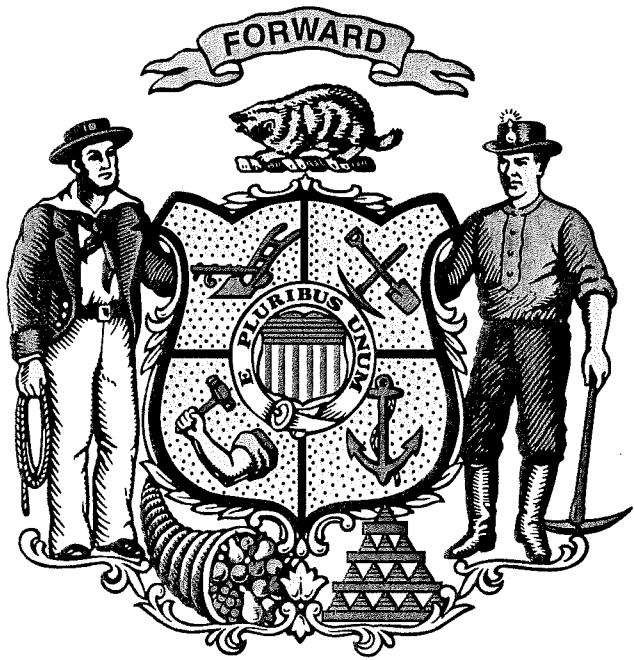
But this flexible Adaptive Management approach is facing a technical obstacle in the current statutes which prohibits permittees from having more than one wastewater discharge permit; thereby making a watershed permit process impossible. Individual permits tend to be on different timelines and have different 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.

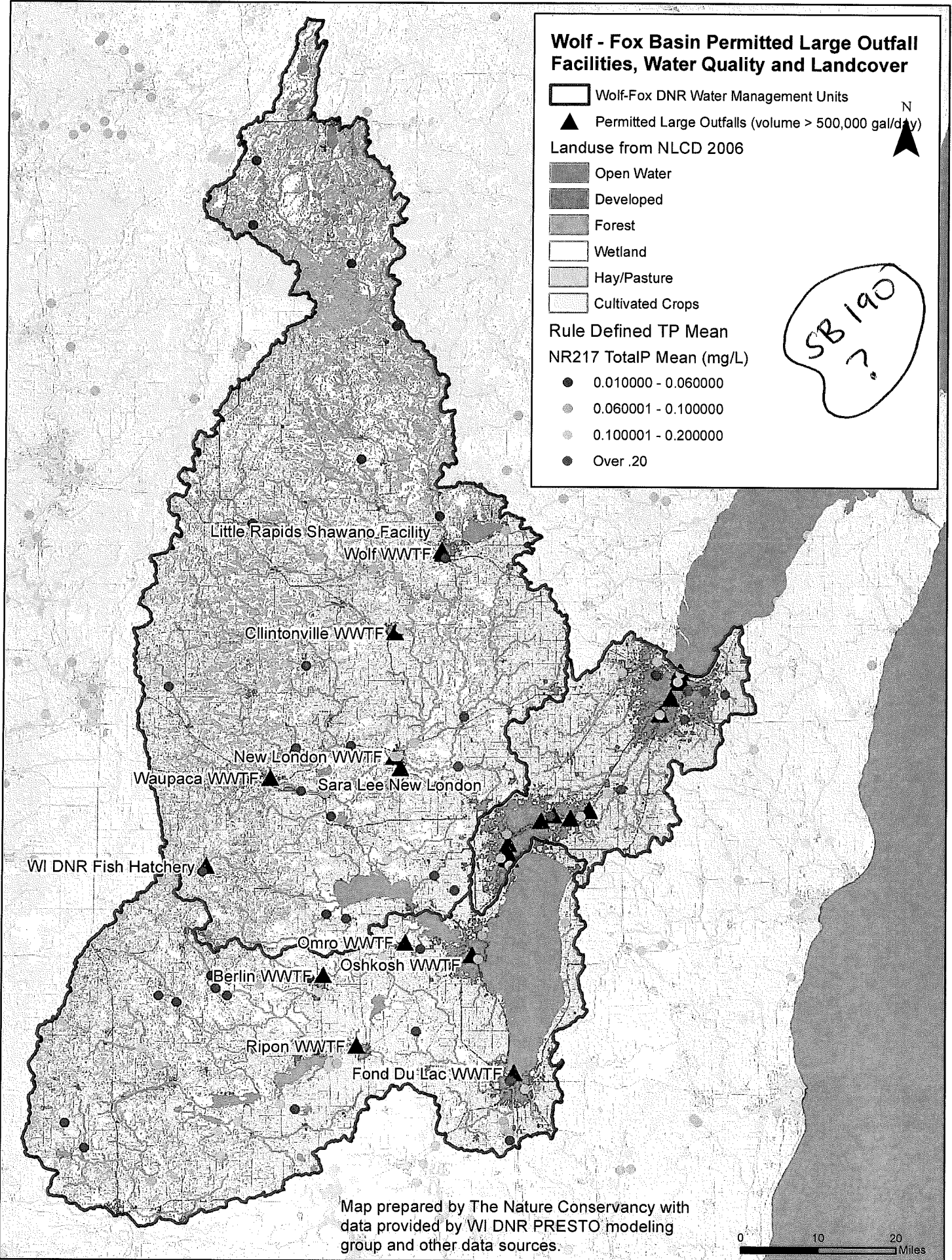


Wolf - Fox Basin Permitted Large Outfall Facilities, Water Quality and Landcover

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



SB 190
?



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

