



**Al Ott**

State Representative • 3rd Assembly District

**AB 215/SB 190  
Wastewater Discharge Permits  
Assembly Committee on Environment and Forestry  
July 23, 2013**

Thank you for the opportunity to testify on behalf of Assembly Bill 215 (AB 215) and Senate Bill 190 (SB 190), which modify the number of wastewater discharge permits that may be issued to a municipal wastewater treatment facility.

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 the health of our rivers, lakes and streams.

Under current law, 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.

AB 215 and SB 190 eliminate 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.

According to the DNR, a watershed permit will not result in any additional costs for businesses or local governments.

AB 215 and SB 190 make 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 legislation truly makes a watershed approach to clean water possible.



## Testimony on Assembly Bill 215

Assembly on Environment and Forestry Committee  
July 23, 2013

Chairman Ott 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/AB 215  
Assembly Environment and Forestry Committee  
July 23, 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 and AB 215 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/AB 215 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/AB 215 get us one step closer to that cooperative goal.