

May 3, 2017

The Honorable Ron Johnson  
328 Hart Senate Office Building  
Washington, DC 20510

The Honorable Tammy Baldwin  
709 Hart Senate Office Building  
Washington, DC 20510

The Honorable Paul Ryan  
1233 Longworth HOB  
Washington, DC 20515

The Honorable Mark Pocan  
1421 Longworth HOB  
Washington, DC 20515

The Honorable Ron Kind  
1502 Longworth HOB  
Washington, DC 20515

The Honorable Gwen Moore  
2252 Rayburn HOB  
Washington, DC 20515

The Honorable James Sensenbrenner  
2449 Rayburn HOB  
Washington, DC 20515

The Honorable Glenn Grothman  
1217 Longworth HOB  
Washington, DC 20515

The Honorable Sean Duffy  
2330 Rayburn HOB  
Washington, DC 20515

The Honorable Mike Gallagher  
1007 Longworth HOB  
Washington, DC 20515

To the Honorable Wisconsin Senators and Congressional Delegation:

As conservation and environmental organizations that work to protect Wisconsin's natural resources, we were extremely disappointed to see a recent letter signed by some members of the state legislature asking you to reverse and undermine the protections and hard work that have gone towards cleaning up our state's rivers, lakes, and streams through Wisconsin's innovative 2010 phosphorus rules. We are particularly concerned about the dismissal of the extensive science that went into the development of these protections and the lack of attention the letter paid to the creative and innovative ways the US EPA and the WI DNR provided to point sources to comply with the rules. Further, the letter largely dismisses the immense economic, social, and cultural value of water to every citizen of Wisconsin in an effort to portray efforts to clean up our waters as needless, expensive, and arbitrary. This could not be further from the truth.

In 1999, the U.S. EPA directed all states with delegated authority to implement the Clean Water Act to develop numeric standards for phosphorus and nitrogen. The WI DNR spent nearly 8 years developing the phosphorus rules that were adopted in December 2010 with input from wide variety of stakeholders including the Wisconsin Department of Agriculture, Trade and Consumer Protection, the Wisconsin Farm Bureau, the Wisconsin Paper Council, the Dairy Business Association, the Cheese Makers Association, the Potato and Vegetable Growers, the Cranberry Growers, the Corn Growers, the Wisconsin River Alliance, Clean Wisconsin, Midwest Environmental Advocates, Milwaukee Riverkeeper, Clean Water Action Council, the Municipal Environmental Group (representing small and medium size municipal water treatment systems), metropolitan sewage districts in Green Bay, Milwaukee and Madison, and others.

Multiple peer reviewed papers published by the United States Geological Survey were referred to in developing the water quality standards the 2010 rules included<sup>12</sup>. Research from Wisconsin and other states was also used, and Wisconsin's scientific analysis was so thorough that other states referred to it in setting their own numeric standards, some of which (Minnesota, for example) are as strict as or more strict than Wisconsin's standards. The contention that the numeric water quality standards Wisconsin set in 2010 are arbitrary and not based on science is false.

In 2012, the WI DNR conducted a cost-benefit analysis on the implementation of the phosphorus rules<sup>3</sup>. That study found a net economic benefit to the state of over \$18 million upon full implementation of the standards, including: \$1 billion in increased property values, \$596.7 million in additional recreational economic activity, and \$4.8 million to \$11.4 million in avoided lake cleanup costs annually. That study did not account for many of the tourism, public health, and recreational benefits associated with cleaner water that were difficult to quantify.

Wisconsin faces significant water quality problems driven by phosphorus pollution. One pound of phosphorus can produce up to 500 lbs. of algae growth<sup>4</sup>. That excessive algae growth chokes rivers, lakes, and streams, results in beach closings, and is responsible for the dead zone in Green Bay. Tourism, property values, and fishing, boating, and other water recreation activities are all impacted negatively by Wisconsin's phosphorus water pollution problems. Excessive algal growth can also present a public health threat<sup>5</sup>. Our citizens deserve a committed, science based, and rigorous effort to solve this problem, not a weakening of the rules intended to provide that response.



*Tainter Lake, Dunn County. Photo courtesy of Dick Lamers.*

Another goal of the 2010 rules was to involve both point and non-point sources of phosphorus in efforts to clean up our rivers, lakes, and streams. NR 151, the state regulations that govern nonpoint sources of pollution, were strengthened at the same time numeric water quality standards were developed. Perhaps most noteworthy and completely left out of the state legislators' letter was mention of the innovative compliance options the state included with the numeric water quality standards to allow and encourage point and non-point sources to work together to clean up our water; adaptive management and water quality trading.

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<sup>1</sup> Robertson, D.M., Graczyk, D.J., Garrison, P.J., Wang, L., LaLiberte, G., and Bannerman, R 2006. Nutrient Concentrations and Their Relations to the Biotic Integrity of Wadeable Streams in Wisconsin. US Geological Survey Professional Paper 1722.

<sup>2</sup> Robertson, D.M., Weigel, B.M., and Graczyk, D.J. 2008. Nutrient Concentrations and Their Relations to the Biotic Integrity of Nonwadeable Rivers in Wisconsin. US Geological Survey Professional Paper 1754

<sup>3</sup> Wisconsin Department of Natural Resources. 2012. Phosphorus Reduction in Wisconsin Water Bodies: An Economic Impact Analysis.

<sup>4</sup> Struss, R. 2003. "The "500 lbs. Algae Adage"." University of Minnesota Extension Service.

<sup>5</sup>[https://www.youtube.com/watch?v=2gqzPejXEjU&index=2&list=PLmxxX42yNRozsBcflWEr0FKF\\_tKxR-WMR](https://www.youtube.com/watch?v=2gqzPejXEjU&index=2&list=PLmxxX42yNRozsBcflWEr0FKF_tKxR-WMR)

Adaptive management is the first program of its kind in the nation. This option necessitates the cooperation and collaboration of point and nonpoint sources to achieve the desired reduction in phosphorus pollution, with success measured by monitoring water quality. This is a cost-effective way to bring all of those who contribute to the problem to the table to clean up our waterways, as reducing polluted runoff from an agricultural operation may be significantly cheaper and more impactful than installing pollution control technology at a wastewater treatment plant. Several adaptive management efforts are moving forward around the state, including projects in Oconomowoc, the first permitted project, Lodi, Black Earth Creek, and Madison. NEW Water, in Green Bay, is also working on an aggressive adaptive management pilot project and exploring how to scale that effort up. These projects are bringing together point sources, community stormwater management programs, farmers, and local and state governments to tackle phosphorus pollution. The Yahara project alone has over 30 partner entities and organizations involved. Adaptive management projects have spurred the creation of two producer-led organizations seeking to improve water quality in their respective watersheds, Yahara Pride Farms and Farmers for Lake Country.

Using water quality trading as a compliance option encourages point sources to engage municipalities, farmers, or other point sources in an array of projects to reduce phosphorus pollution and generate “credits” as a result of the quantifiable reductions those projects achieve. Installing riparian buffers, improving streambanks, managing urban stormwater, and improving farm manure management and tillage practices are just some of the projects that could generate credits. The projects that generate the credits that point sources ultimately use for compliance can reduce more phosphorus pollution at a considerably lower cost than installing treatment technology. Numerous trading projects are completed or in progress around the state and many more are expected in the next couple of years.

Still another recent option created by the state legislature for permit compliance is known as the Multi Discharger Variance, which was approved by EPA earlier this year. Because it is so new, the MDV is just beginning to be implemented as an option for communities facing higher compliance costs. The MDV allows point sources to delay attainment of their final water quality based effluent limit while working with counties or with nonpoint sources on their own to improve water quality in the interim. Finally, the original rules included an individual variance process for communities that experience unreasonable costs associated with phosphorus clean up. **There is an array of compliance options for point sources to choose from, and any further delays will only exacerbate the problem and complicate efforts to clean it up.**

We find this new attack on the sensible, science-based rules put forward in 2010 to reduce Wisconsin’s extensive phosphorus water pollution problem unfortunate. Cleaning up our rivers, lakes, and streams will improve economic opportunities in the tourism and recreation industry, protect lakefront property values, and provide cleaner water for every Wisconsin citizen. It can be done in cost effective ways that will not harm communities and businesses.



*Algae-choked lake. Courtesy Dick Lamers*

Our water resources are a point of pride for our state, not something we can take for granted. We all have to work together to protect and improve them. Our organizations stand ready to work with communities, point and nonpoint sources of pollution, and local, state and federal legislators to cost effectively reduce phosphorus pollution. But our state cannot afford to undermine the rules put in place to clean up our rivers, lakes, and streams. This will create confusion and uncertainty and delay the already overdue cleanup of our waters. Every Wisconsin citizen deserves clean water now.

Sincerely,

Clean Wisconsin  
Alliance for the Great Lakes  
Bad River Watershed Association  
Citizen Action Organizing Cooperative-Western Wisconsin  
Clean Water Action Council  
Courte Oreilles Lakes Association  
Driftless Area Land Conservancy  
Dunn County Board of Supervisors  
Friends of the Central Sands  
Friends of the Lower Wisconsin Riverway  
Gathering Waters  
Midwest Environmental Advocates  
Milwaukee Riverkeeper  
River Alliance of Wisconsin  
Tainter Menomin Lake Improvement Association  
The Nature Conservancy  
Wisconsin John Muir Chapter of the Sierra Club  
Wisconsin Lakes  
Wisconsin Land and Water Conservation Association  
Wisconsin League of Conservation Voters  
Wisconsin Wildlife Federation

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