

Wisconsin Government Affairs Seminar

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Government Affairs Seminar

- Administrative Rules
- Lean Government
- Producer-led Pilot Project
- TMDLs
- Watershed Permitting
- Guidance Transparency
- Wetland Law Changes
- Phosphorus Standards
- Mining

Administrative Rules

- NRCS 590 – Nutrient Management Planning
 - NRCS beginning technical revision process
- ATCP 50 – Conservation Practices
 - DATCP practices to meet NR 151 standards
 - Currently being revised
- NRs 106, 200, 205, 210, 220 – 296
 - Various updates to address 54 of EPA's 75 issues

Administrative Rules

- NR 115 – Shore Land Zoning
 - Revised 2010
 - Limited revisions now to improve practicability
 - Currently in drafting stage
 - Public hearings – summer 2013
- NRs 110, 205, 208, 210 – SSO Rule
 - Greater consistency – terminology
 - CMOM Implementation
 - Conform with EPA regulations

Lean Government

- DNR a leader in implementing Lean Government principles
- Using Lean 6 Sigma process
- Established Office of Process Improvement
- 9 projects completed; 29 in process
 - WPDES permit process
- Example: Nutrient Management Plan Review
 - Standardized procedures – 60 day approval goal
 - Reduced approval times by 57%

Producer-Led Project

- Promote farmer-led watershed councils
 - Farmers to set the vision and decide on approaches
 - Government role to support producer decisions
 - No enforcement
- Coordinator hired through UW River Falls
 - Organize and assist farmer councils
 - Identify and facilitate obtaining financial and technical assistance
- Four watersheds in St. Croix, Polk, Dunn and Pierce counties
- Modeled after successful programs in Iowa and Minnesota

TMDLs

- Required for all impaired waters (303d list)
- Determine waste load (point) and load (nonpoint) allocations plus a margin of safety
- Generally will result in less stringent limits because nonpoint sources are taken into account
- Developed by DNR (3rd party approved) and approved by EPA

TMDLs

- Recent major TMDLs completed include: Lower Fox River, Rock River, Red Cedar River and St. Croix River (joint with MN)
- Developing major TMDLs include: Milwaukee, Kinnickinnic, Menomonee, Milwaukee Estuary (3rd party); Upper Fox River and Wisconsin River

Watershed Permitting

- Two concepts being piloted:
 - 1. One storm water permit – Menomonee River Watershed
 - 2. All WPDES permits issued at the same time
- Concept 1
 - 11 Communities participating
 - Allows flexibility to meet storm water requirements
 - Complicated by the TMDL
- Concept 2
 - Facilitates trading / adaptive management
 - Regional possibilities

Guidance Transparency Policy

- Applies to significant guidance that affects stakeholders
- A public notice and input process must be conducted
 - Posted on Web for 21 day comment period
- Sign off by upper management
- Provides stakeholders and the public with:
 - Notice of potential changes
 - Forum to express any concerns
- Department will consider comments before finalizing

Wetland Legislation

Wisconsin Act 118 - effective July 1, 2012

Updates to existing wetland regulations

1. General Permits (GP) for minor projects

- DNR issues for specific activities
- Less than 10,000 square feet fill
- Not in rare/sensitive wetland types
- Already issued for residential, industrial, commercial, and transportation

Wetland Legislation

2. Individual Permit (IP) review for larger projects or sensitive wetlands

- Pre-application meeting
- Public Notice during permit review
- Flexibility to limit search for alternatives

Wetland Legislation

- 3. Mitigation
 - Required for all IPs to offset impacts
 - Buy bank credit, or do mitigation project on-site
 - DNR can establish “in-lieu fee” program

Phosphorus Standards

- Water quality-based standard replaced technology-based standards
- More stringent and can be much more costly
- EPA prepared to impose even more stringent standards
- DNR provided options to address limits at lower cost
 - Water quality trading
 - Adaptive management
 - Variances

Water Quality Trading

- Water quality trading is an exchange of pollutant reduction credits
- A buyer with a high pollutant control cost can purchase pollutant reduction or treatment from a willing seller to comply with their regulatory requirements
- Trading can produce substantial cost savings compared to traditional compliance options like facility upgrades

Adaptive Management

- Potential cost savings approach to comply with phosphorus limits
- Focuses on water quality improvements, rather than a phosphorus offset (like trading)
- Allows point sources to work with nonpoint and other point sources in their watershed to reduce phosphorus loads so that **water quality improvements** can be made
- Provides point sources with time and flexibility

Variations

- Allows for higher interim limits
- Used in instances of significant social and economic hardship
- Often used for small communities needing high cost upgrades
- Must be approved by EPA and are valid for 5 years - then can be reapplied for

Mining

- Applicant submits notice 12 months in advance
- Permit must be issued within 420 days (60 day extension)
- DNR to seek MOU with Army Corps of Engineers
- Wetland and navigable water impacts may be mitigated
- Great Lakes Compact law applicable
- Exempt from Floodplain ordinances (except for NFIP requirements)

QUESTIONS?