

Wisconsin's Waters – Water Quality Task Force Recommendations

January 2019 Governor Tony Evers declared 2019 as “the year of clean drinking water”.

<https://www.jsonline.com/story/news/politics/2019/01/25/tony-evers-declares-the-year-clean-drinking-water-wisconsin/2667789002/>. Spring 2019 the Wisconsin Assembly formed a bipartisan Task Force on Water Quality. Members included both state representatives and senators from both parties.

<https://legis.wisconsin.gov/2019/committees/assembly/STF-WQ/> The goal of the Task Force was to gather information and make policy recommendations to the legislature to better assess and improve the quality of surface water and ground water in Wisconsin. January 8, 2020 the Task Force came out with their recommendations in the form of 13 bills for the legislature and the governor to review evaluate and determine whether or not they should become Wisconsin laws. The 13 bills from the Task Force were passed by the Assembly on February 18th. Ten of the 13 bills passed unanimously, the other three bills, AB 794, AB 793 and AB 798, passed on party line votes. The Assembly has finished its session for the year All 13 bills will come before the state Senate in March, but probably only a few of the 13 will be taken up by the Senate. If passed by both the Assembly and the Senate, those bills will advance to Governor Evers for his signature before they can become Wisconsin law.

Listed below are the 13 bills proposed by the Task Force and a brief synopsis of each. SB refers to the state Senate bill number; AB refers to the state Assembly bill number. Most have some merit. **The exceptions are SB708/AB794: Groundwater Standards revisions; and SB711/AB 793: Undermining the Municipal Flood Control Grant Program.** The problem with SB708/AB794 is that it weakens our current process for setting state standards for drinking water by making the job of placing a toxin, carcinogen, etc. on the states restricted list of substances more difficult. In doing so it overturns a 1984 bill that set the standards for drinking water in Wisconsin.

1. **SB 708/AB 794: Public Comment Period for Establishing Groundwater Standards** (*This bill was requested by Wisconsin Manufacturing and Commerce*).
 - a. Under current law, the Department of Natural Resources compiles a list of substances that are detected in or have a reasonable probability of entering the groundwater resources of this state; identifies which of these substances is of public health or welfare concern; and ranks the substances based on their risks to public health or welfare. DNR submits the list of substances identified as a public health concern to the Department of Health Services. DHS develops recommendations for enforcement standards for those substances, which DNR then incorporates into its rules.
 - b. This bill changes the law so that multiple reviews and waiting periods must precede listing the substance as harmful with the DNR. And, being able to add it to a standards list.
2. **SB 709/AB 799: New Office of Water Policy**
 - a. Provides \$150,000 and one full-time staff person in 2020-21 in the UW System. The location of the office will be at the discretion of the UW Regents.
 - b. The position would coordinate water policy statewide.
3. **SB 710/AB 791: Wisconsin Fund for Septic Systems**
 - a. The 2017 biennial budget act, repealed, effective date June 30, 2021 and is extending to June 30, 2023, a POWTS grant program the Department of Safety and Professional Services (DSPS) administers to provide grants to persons/businesses that are served by failing septic systems.
 - b. This bill requires the DSPS to prepare literature describing the eligibility for a residence to receive a grant and to distribute this literature to counties.
 - c. The original bill was amended to require the department of safety and professional services to fund a septage characterization study by the Department of Soil and Waste Resources of the College of Natural Resources of the University of Wisconsin–Stevens Point.

4. **SB 711/AB 793: Wetlands and Floodplain Restoration**
 - a. Amends DNR's current rules regarding grant program to remove the direction to consider eligible projects in a certain "priority order" listed, it no longer prioritizes human health concerns.
 - b. Requires DNR, when establishing eligibility criteria for the grants, to consider the cost effectiveness of a project, including any loss to the tax base.

5. **SB 712/AB 801: Freshwater Collaborative**
 - a. Funds the University of Wisconsin System to establish a freshwater collaborative among no more than six UW institutions to:
 - 1) study the challenge of water quality management, including a focus on nutrient runoff, farm policy impacts, and other issues; and
 - 2) study the challenge of water quality and safety, including a focus on treatment, contamination, and other issues.

6. **SB 715/AB 795: Assistance to Farmers for Conservation**
 - a. Supports agriculture initiatives to clean up Wisconsin's waters.
 - b. One new full-time position at DATCP to serve as coordinator for managed grazing initiatives.
 - c. Grants for Alliance for Water Stewardship Program Certification
 - i. DATCP provide grants to reimburse the costs for an agricultural producer to apply for a certification. Grant may not exceed \$10,000.
 - ii. \$250,000 GPR continuing appropriation beginning in fiscal year 2020-21.
 - d. Crop Insurance
 - i. DATCP to administer a program to provide rebates of \$5 per acre for crop insurance premiums paid for acres planted with a cover crop.
 - ii. \$200,000 GPR continuing appropriation in fiscal year 2020-21.
 - e. Producer-Led Watershed Protection Grants
 - i. Authorizes producer-led watershed grants to be awarded to producer-led groups that operate in adjacent watersheds also eligible for lake protection grants.
 - ii. Increases the grant by \$250,000 GPR in fiscal year 2020-21, and therefore increases the total amount DATCP may allocate in fiscal year 2020-21 from \$750,000 to \$1,000,000.
 - f. Lake Protection Grants (Monitoring and Improving Water Quality in Lakes)
 - i. Producer-led groups are also now eligible for lake protection grants
 - g. Soil and Water Resources Conservation Grants Allocation Plan
 - i. DATCP, in preparing its annual grant allocation plan must take into account any externalities, such as weather, that may have affected the county's ability to demonstrate commitment to implementing the plan.

7. **SB 716/AB 797: Prohibition on Sale or Use of Coal Tar-Based and PAH Sealant Products**
 - a. Prohibits the sale of coal tar-based sealant products and high polycyclic aromatic hydrocarbons (PAH) driveway sealants beginning January 1, 2021, and prohibits the use of such products beginning July 1, 2021, unless DNR grants an exemption.
 - b. This bill was **amended** (Amendment 2) by the Assembly on 2/18/20 to include some of the lead "Schools Act" provisions for lead testing in schools from another proposal - AB 476.

8. **SB 717/AB 792: Per- and Polyfluoroalkyl Substances (PFAS)**
 - a. Expands the "clean sweep" program to include collection of firefighting foams.
 - b. Requires DATCP, in cooperation with DNR, to administer a program to collect and store or dispose of these firefighting foams. \$250,000 GPR for the program in fiscal year 2019-20.

9. SB 718/AB 796: Pilot Program to Address Nitrate Contamination

- a. \$1 million in fiscal year 2020-21 for a nitrogen optimization pilot program. DATCP can do emergency rules.
- b. Requires DATCP to award grants of up to \$50,000 to agricultural producers and can award up to 20% of the amount of the grant awarded to an agricultural producer or an eligible university group that works on agricultural programs.
- c. Grants used to implement a project, for at least two growing seasons, that reduces nitrogen loading or uses nitrogen at an optimal rate while protecting water quality.

10. SB 722/AB 800: Groundwater Testing, Mapping, and Educational Outreach

- a. \$150,000 in fiscal year 2020-21 for one three-year project position for a hydrogeologist within the Wisconsin Geological and Natural History Survey.
- b. \$450,000 in each year - Center for Watershed Science and Education – sunset June 30, 2024.
- c. \$250,000 in 20-21 for DNR to administer a grant program to provide two types of grants to counties:
 - i. Grants up to \$10,000 for countywide groundwater testing of private wells to assess groundwater quality.
 - ii. Counties that have already completed such a study, grants of up to \$2,500 to notify the public of the study results and notify affected well owners.
- d. \$200,000 in fiscal year 2019-20 to UW Board of Regents for research costs for the initial phase of a proposal developed by UW-Extension relating to phosphorus recovery and reuse.

11. SB 723/AB 790: Increased Funding for County Conservation Staff

- a. Increase funding by \$2,960,900 to \$12.4 million in fiscal year 2020-21 for counties to fully fund county conservation staff. These are the boots on the ground for many state ag programs.

12. SB 724/AB 789: Well Compensation Grant Program Revisions Addressing Nitrate Contamination

- a. Under current law, a well that is contaminated only by nitrates is eligible for a replacement grant only if the well is a water supply for livestock, is used at least three months in each year, and contains nitrates in excess of 40 parts per million. The bill eliminates these restrictions, making wells contaminated only by nitrates eligible for program more generally.
- b. The bill does not adjust income level to current standards to be grant eligible.

13. SB 725/AB 798: Biomanipulation Projects.

- a. \$150,000 GPR funds in fiscal year 2019-20.
- b. Requires DNR, in the 2019-21 biennium, to provide and make available grants to local water improvement groups, selected through a competitive process to conduct biomanipulation projects. Projects may be 1) a comprehensive fish study, or 2) the initiation of a top-down algae control project (the removal of zoo planktivorous (bluegills) and the introduction of piscivorous fish (largemouth bass & walleye)) or 3) removal of benthivorous fish (carp) to improve the water quality of lakes and impoundments identified on the impaired waters list.

Rep. Krug and Shankland as well as Senators Testin and Olsen are authors and supporters of several of these bills, all but Olsen were members of the Task Force. However, legislators outside the Central Sands are rumored to not support these actions, particularly when the action will cost the state additional money. **If you vote in an area outside Senate District 14 or 24, please write or call your elected official and let him or her know what you think.** More information on these bills can be found on the legislature's website: <https://legis.wisconsin.gov/>. Simply put the bill number (e.g. "SB715") in the search box.

Good News Bills

LRB 5391 - SB 779/AB 890 - Creating a Clean Water Trust Fund for Wisconsin.

<https://docs.legis.wisconsin.gov/2019/related/proposals/sb779.pdf>

This bill is a bipartisan effort to fund clean water in Wisconsin. The bill creates a new non-lapsible trust fund, designated as the *Water Fund for Our Future*. It will be funded by the Legislation authorizing \$10,000,000 be transferred biennially from the general fund to the *Water Fund for Our Future*. The bill also creates the *Joint Committee for the Oversight of the Water Fund for Our Future*. In addition, the committee is authorized to recommend to Joint Committee on Finance an additional amount of money to be transferred to a rapid response account created within the water fund. The monies may be used by the Department of Natural Resources and the Department of Health Services to respond to natural disasters and public health emergencies.

Raising the Bar on Clean Water Package

Raising the Bar on Clean Water is a Democratic initiative. A group of five bills authored by Rep. Katrina Shankland and others reversing water laws passed recently that rolled back environmental protections.

LRB 3583 - AB 866 - Well Compensation Grants

This bill enables the owner or renter of a contaminated private well to apply for a grant from DNR to cover a portion of the costs to treat the water, reconstruct the well, construct a new well, connect to a public water supply, or fill and seal the well. To be eligible for a grant the well owner's or renter's annual family income may not exceed \$100,000.

It also includes changes to existing law with regard to:

- Replacement of lead service lines
- Contaminated sediment removal
- Lake and river protection
- Local pollution control grants in TMDL watersheds
- Nonpoint source water pollution abatement
- Soil and water resource management

See: <https://docs.legis.wisconsin.gov/2019/related/proposals/ab866.pdf>

LRB 4127 - AB 917 - Mining, wetlands, shoreland zoning, and DNR scientist & education positions

This bill eliminates changes made to the regulation of sulfide ore mining, iron ore mining, wetlands, and shoreland zoning under various enactments since 2013 and restores Department of Natural Resources scientist and educator positions eliminated in 2015 Wisconsin Act 55.

LRB 5092 - AB 867 – Groundwater Monitoring, CAFO fees, Nutrient Management Plans, Well Construction Rules, SnapPlus program, funding

This bill increases fees for CAFO operations, allows DNR to require groundwater monitoring at any manure landspreading location in sensitive areas of state, if a public health risk exists, to establish/update rules - well construction/pump installation in sensitive areas. Updates the SnapPlus program, to take into account nutrient loss.

<https://docs.legis.wisconsin.gov/2019/related/proposals/ab867.pdf>

LRB 5523 - SB 856/AB 919 - Help for Farmers to improve Groundwater Quality

Bill provides farmers technical assistance related to water quality, organic production, and soil health; increases cost-share rates; grants rule-making authority; makes an appropriation. Directs DNR to **promulgate targeted runoff standards if statewide standards are insufficient** to meet water quality standards.

LRB 5094 - AB 916 - Groundwater standards

A Bill to address groundwater standards and waterborne dangers, funding for the state laboratory of hygiene, provides additional appropriation - Groundwater Coordinating Council to perform its functions.

BAD News Bill

LRB 5529 - ~~SB 808/AB 894~~ – The Livestock Facility Siting Law

<http://docs.legis.wisconsin.gov/2019/related/proposals/ab894.pdf>

This bill removes DATCP's ability to site and regulate CAFOs in Wisconsin. In addition, the bill generally prohibits a political subdivision (Towns, Counties, Villages, etc.) from enforcing or enacting livestock facility requirements addressing siting or expansion applications that are more stringent than DATCP's rules. The bill eliminates the current requirement that DATCP review its rules every four years for siting, setting standards, and expanding livestock facilities.

The bill allows an aggrieved person to challenge DATCP's decision on a livestock facility siting or expansion application, **ONLY** if the aggrieved person, is a political subdivision in which the proposed livestock facility would be located, an applicant, or a person who lives or owns land within two miles of the proposed livestock facility.

But most disturbing of all, this bill sets up the industry to monitor CAFO siting and expansion. Under the bill, the DATCP would need permission from a new nine-member board (**5** of which would be from members of agricultural groups: Farm Bureau, DBA, Wisconsin Pork Producers, etc.) before it could begin drafting any CAFO regulations, and **would need a 2/3's majority vote** to pass recommendations.

Fortunately, SB 808/AB 894 -were taken off the legislative agenda and the Assembly did not take up AB 894 on Thursday, Feb. 20th, the last day of their session. (Didn't have the votes)

LRB 4782 - ~~SB 559/AB 600~~ -Bid Requirements for Public Inland Lake Protection and Rehabilitation Districts.

<http://docs.legis.wisconsin.gov/2019/proposals/reg/sen/bill/sb559>

Under current law, lake districts must grant to the lowest responsible bidder any contract in excess of \$2,500 for the performance of any work or the purchase of any materials. This bill increases this threshold to \$10,000.

Very early in the morning on February 21st, 2020, the Assembly amended this bill to include **PFAS** provisions. Unfortunately, the PFAS provisions were far less than any of the other PFAS bills that have come before the legislature/had hearings/and received a lot of public support. The amendment also used the **EPA advisory level of 70ppt** instead of the Department of Health and Safety recommended **20ppt** for PFAS.

Addendum 6/5/20:

This bill was not acted on by the Senate during the final 2019-2020 session.

Original version: 2/20/20

Updated: 6/5/20